SPIELBERG'S PSEUDO-CONTROVERSIAL MOVIE
LEON WIESELTIER

WHY AMERICA CAN'T STOP INSURGENTS
LAWRENCE F. KAPLAN, CAROLINE ELKINS

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THE ABOLITION OF TORTURE

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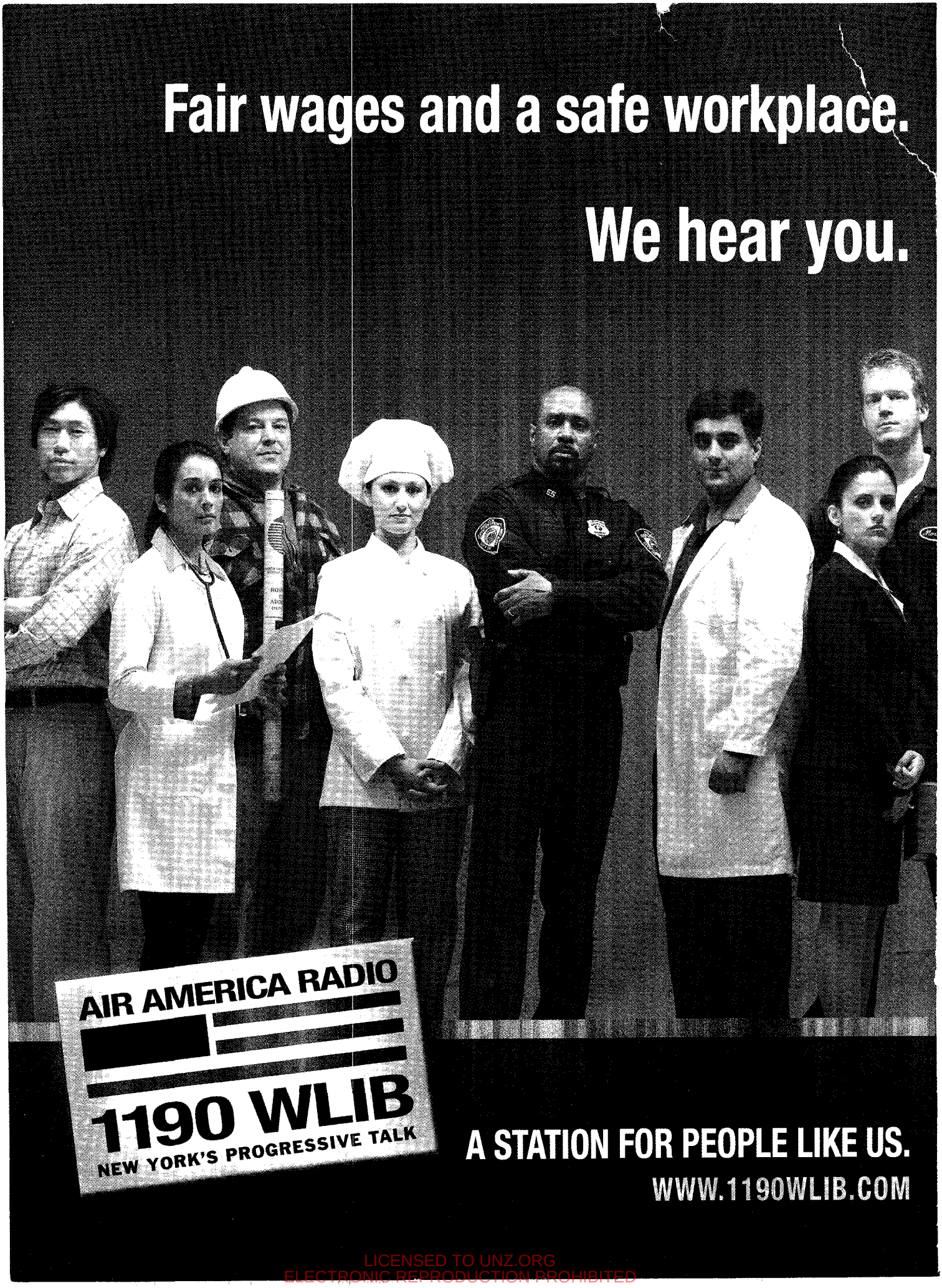

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CORRESPONDENCE

PENNIES SAVED

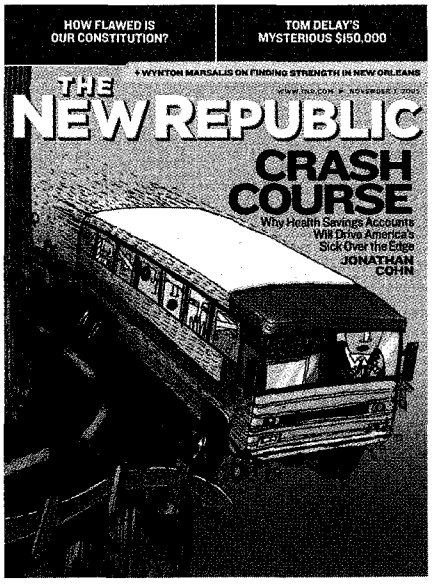
JONATHAN COHN MISSES THE POINT ("Crash Course," November 7). We will never be able to control health care costs in this country until all 300 million Americans become part of the effort. Under the current system, on average, patients pay only ten cents out-of-pocket for every $1 spent on physician care. So, if we avoid $1 of wasteful spending, we save ten cents for ourselves and 90 cents for employers, insurance companies, or the government.

With Health Savings Accounts (HSAs), the patient who avoids $1 of wasteful spending gets to keep the full $1. Patients reap the full benefit of their efforts to control costs (just as they bear the full cost of their failure to do so). HSAs are also vehicles for rewarding doctors who provide higher-quality care, for inducing health professionals to keep patient records on computers, and for exploiting opportunities to substitute telephone and e-mail consultations for unproductive visits to doctors' offices. The possibilities are endless.

JOHN C. GOODMAN
President
National Center for Policy Analysis
Dallas, Texas

PENNIES EARNED

DAVID ADLER COULD HAVE AVOIDED errors in his piece about consumer-driven health plans (CDHPS) in South Africa had he simply contacted Discovery Health, which, as he noted, pioneered the concept in that nation and now offers its plans through a U.S. subsidiary, Destiny Health ("Medical Error," November 7). Most important, he would have learned that, contrary to his assertion, South Africa is in no way reregulating the health care industry in a manner that moves away from CDHPS or medical savings accounts. Other points supporting that conclusion are equally wrong. Contrary to Adler's assertion, for example, Discovery Health's membership reflects the population—old and young, sick and well. In fact, recent results from the regulator's analysis into the relative risk pools of different carriers illustrates that Discovery Health's risk pool is average or even a bit higher in risk. In other words, the risk-selecting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CRASH COURSE
Why Health Savings Accounts Will Drive America's Sick Over the Edge
JONATHAN COHN

or "cherry-picking" myth is just that—a myth. Adler is also incorrect on the issue of HIV coverage. Discovery Health makes first-dollar coverage available for HIV medications, as well as for other chronic conditions, including diabetes, asthma, and high cholesterol.

The company's pioneering wellness and incentive program, Vitality, offers members monetary and other rewards for healthy behaviors like quitting smoking, losing weight, exercising, and following preventive-care guidelines. It has been shown that insurance claims from participants in the program decrease, despite the fact that they are more likely than nonparticipants to have chronic conditions. With our insurance-renewal increases running consistently and substantially below those of traditional providers, it is little wonder that member-satisfaction scores are so uniformly high. Today, leading CDHPS, such as those offered by Discovery Health and Destiny Health, are prompting people to take better care of themselves and to shop more wisely for medical care. Without cutting coverage, these plans are accomplishing all this while reducing spending across the board. Should U.S. policymakers follow Adler's advice and learn from South Africa's experiment with CDHPS? Nothing would delight us more.

ADRIAN GORE
Chief Executive Officer
Discovery Health
Sandton, South Africa

DAVID ADLER RESPONDS:
A recent report ("Regulating in the Public Interest") by South African health care regulators concludes that new legislation is merely a "precursor for more fundamental reforms paving the way for social health insurance." So I'm not sure why Adrian Gore feels that South Africa isn't reregulating the health care industry and moving in a very new direction. While he may tout his company's HIV coverage, the fact remains that many medical schemes failed to provide minimum coverage for HIV patients until required by law to do so. True, some actuarial studies have found that CDHPS are not just vehicles for cherry-picking the healthy, but perhaps the most prominent of these were, alas, written by a Discovery executive. My point is not that CDHPS aren't a lucrative business model. It is to question if they are appropriate for national health policy. And the South African national experience of escalating private health costs and flat coverage is a lesson worth sharing: Relying on CDHPS is not a substitute for focused health policy.

UNDUE BURDEN

STANLEY KAUFFMANN'S REVIEW OF the recent film *Ushpizin* manages to be positive about the film but crudely

continued on page 37

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Professor Bart D. Ehrman is the James A. Gray Professor and Chair of the Department of Religious Studies at The University of North Carolina at Chapel Hill. He received his Masters of Divinity and Ph.D. from Princeton Theological Seminary. He has won several teaching awards, including the Students' Undergraduate Teaching Award and the Bowman and Gordon Gray Award for Excellence in Teaching. Professor Ehrman has written or edited more than 15 books.

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Muddy Waters

TRB FROM WASHINGTON

Poor Sam Alito. The White House seems intent on turning him into a liar. No matter how many of his old memos surface declaring *Roe* v. *Wade* a constitutional abomination that should be abandoned, the White House insists on sowing doubt about whether he would really pull the trigger. First, his Reagan administration job application emerged, in which he stated, "I personally believe very strongly" that "the Constitution does not protect a right to an abortion." But Bushies warned that this tells us nothing. Then, earlier this month, a memo Alito wrote in 1985 as a Justice Department lawyer came to light. In it, he detailed his strategy of "bringing about the eventual overruling of *Roe* v. *Wade*."

Still, the White House dismissed it. "Any attempt by opponents of his nomination to suggest that the memo signals how he would rule as a Supreme Court justice on any issue is just silly," a Bush flack sputtered. Strangely enough, this tactic seemed to work, leading commentators to proclaim that Alito's views remain an open question. "Alito's record does not ... necessarily suggest that he still favors overturning *Roe* v. *Wade*," opined *National Journal*'s Stuart Taylor.

The trick apparently works on senators, too. Senate Judiciary Committee Chairman Arlen Specter recently reported that Alito told him, "When a matter is embedded in the culture, it's a considerable factor in the application of stare decisis." That's what it's come to for conservatives: The movement that prides itself on being built on the strength of its ideas is now embarrassed to articulate one of its core beliefs: that *Roe* was wrongly decided and should be reversed. The White House and its nominee have decided that the political cost of affirming this principle is too high. They've opted to muddy the issue rather than concede an obvious fact: Of course Alito would vote to overturn *Roe*.

It's worth remembering that *Roe* is not some minor issue for the judicial right. It is *the* issue. As Robert Bork recently wrote in *National Review*, "[O]verturning *Roe* v. *Wade* should be the sine qua non of a respectable jurisprudence." Bork may be extreme on many issues, but this isn't one of them. Legal scholars from across the political spectrum find the constitutional justification for *Roe* highly dubious. It would be shocking if Alito *didn't* believe this.

But he clearly does. His biography reads like a parody of a conservative foot soldier. "When I first became interested in government and politics during the 1960s," he wrote in 1985, "the greatest influences on my views were the writings of William F. Buckley, Jr., the *National Review*, and Barry Goldwater's 1964 campaign." One of his intellectual heroes in college was Alexander Bickel, a leading proponent of judicial restraint during the Warren Court years (and TNR's legal editor) whose writings came to influence conservative scholars. Alito bragged of donating to the campaign of Christopher Smith, former head of New Jersey Right to Life and Congress's most vociferous abortion opponent.

At Justice, Alito put his ideas into action. The abortion strategy memo he penned is indecipherable from the legal blueprint the right is using to slowly chip away at *Roe*. And Alito was prescient. He predicted that, by convincing the Court to uphold a new batch of state restrictions, it might eventually "adjust its standard of review." That's exactly what happened in the 1992 *Casey* decision. The Court retreated from *Roe*'s "strict scrutiny" standard and adopted a new "undue burden" standard for refereeing abortion laws. The upshot has been 13 years of state laws more restrictive than *Roe* allowed.

Still, those looking for contrary evidence point out that, as a judge, Alito's abortion-related decisions show little hostility to *Roe*. But there's less here than meets the eye. Alito was involved in four cases where abortion was a significant issue. Two of the cases were decided on technical grounds. In a third case, Alito and his colleagues on the Third Circuit struck down a New Jersey ban on partial-birth abortion days after the Supreme Court declared a similar Nebraska ban unconstitutional.

There was only one abortion case where Alito's hands weren't tied by technicalities or precedent. When *Casey* stopped before his court on its way up the legal ladder, Alito ruled that all of a Pennsylvania law's abortion restrictions were constitutional. Some have defended the decision because the guidance from the high court was murky, which is true. But that's why the case offers the best evidence of his judicial instincts. Free from the shackles of clear instructions, Alito voted in the case exactly as one would have predicted the author of that 1985 memo would have. William H. Rehnquist, writing for the *Casey* minority that argued the case should be used as an opportunity to overturn *Roe*, approvingly cited Alito's opinion.

Unless one is willfully blind to Alito's intellectual history, the assumption must be that, given the opportunity, he would vote to overturn *Roe*. It is only stare decisis that would stand in his way. And too much has been made of this doctrine. As Justice Louis Brandeis argued in 1932, "Stare decisis is not ... a universal, inexorable command." But the bigger problem of placing faith in Alito's enlightened view of stare decisis is that conservatives don't see *Roe* as a particularly good candidate for such respect. The history of *Roe* is one of erosion, not stability. *Casey* itself gutted several of *Roe*'s core holdings, including the strict scrutiny standard, the notion that women had a "fundamental right" to abortion, and the trimester system for judging state laws.

So why has the White House been able to sell Alito as a question mark when it comes to overturning *Roe*? One reason is that the press has fallen for the trap of mistaking temperament for ideology. Alito's decisions don't hiss with the sarcasm and barbs of Antonin Scalia, and that alone is taken by some as a sign of moderation. Liberals have also beaten conservatives into a defensive crouch when it comes to *Roe*. Abortion rights proponents have defined reversing *Roe* as far more radical than most legal scholars believe it is, and that has sown the mistaken impression that reversal means an immediate national ban on abortion. Rather than engage this debate, the White House has decided that the path of least resistance is to muscle Alito through the Senate. Instead of dealing honestly with his views on *Roe*, Alito has decided to hide them and wink about stare decisis. But we don't need another memo to know where he stands.

RYAN LIZZA

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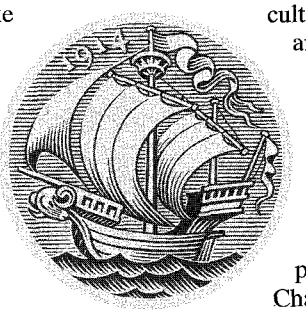
Resident Evil

LATE LAST MONTH, President Bush traveled to El Paso, Texas, to reintroduce his immigration reform plan, the centerpiece of which is a program allowing employers to hire temporary "guest workers." Those workers could come from outside the country, or they could be in the country already, legally or illegally. Whatever their status, they could work here for up to six years, after which they would have to return home. Bush first pitched the plan almost two years ago, but, this time, he has shifted from talking about its "fairness," as he stressed in January 2004, to emphasizing its potential role in fighting illegal immigration. "A temporary-worker program," he said in El Paso, "would take pressure off our border."

Bush's new spin on his old plan is clearly in response to the anti-immigration sentiment resonating across the country. While most Americans have a positive view of immigration in general, a Fox News poll showed that 63 percent considered illegal immigration a very serious problem, and 67 percent said they would support placing the military along the borders.

No surprise, then, that politicians are cashing in: The GOP's Virgil Goode, a Virginia representative, has proposed a $5–$7 billion fence along the U.S.-Mexican border, while others, such as Arizona Representative J. D. Hayworth, want to empower state and local law enforcement officers to make arrests in immigration cases. This week, Jim Gilchrist, the godfather of the Minuteman Project, made a high-profile, if unsuccessful, bid to fill former Representative Chris Cox's seat in Southern California. Already, it appears that immigration will figure prominently in a number of midterm campaigns—and not just on the border, but as far away as Georgia and Massachusetts.

Thus, the debate has become framed between Bush's guest-worker plan and a raft of radical alternatives, from border militarization to mass deportations. But none of these options respond to the realities of immigration. First, the U.S. economy has an overwhelming need for the sort of labor that only immigrant workers provide. According to the Labor Department, the economy will add 7.7 million low-skilled, low-wage jobs between 2000 and 2010, positions that appeal to a shrinking number of native-born Americans. Meanwhile, the country accepts only a net 600,000 legal immigrants annually—and many of these workers take skilled jobs. Simply put, the law of supply and demand dictates a high volume of illegal immigrants for the foreseeable future.



Immigrants want more than a paycheck. They also seek a piece of the proverbial American dream, which remains a powerful motivator for millions in lesser-developed countries. Though Bush's plan deals with the labor market, by not providing an opportunity for immigrants to become naturalized citizens, it ignores this other, equally important factor. As a result, it will likely be ineffective in reducing illegal immigration.

A sensible alternative to both the Bush plan and the demagogic right is a bill introduced by Senators Edward Kennedy and John McCain. Like Bush's, their plan would allow immigrants, both legal and illegal, to apply for temporary worker visas. Where they differ with Bush is in a plank that would allow immigrants to stay in the country and pursue permanent-resident status after their visas expire. The bill does have shortcomings—for example, it forbids independent contracting, which is a central part of the current migrant-labor system. But, at its heart, it recognizes that large-scale, permanent immigration is both inevitable and desirable.

This is particularly true given that the alternative is massive, unaccountable illegal immigration. We have spent decades pouring money into border enforcement, but, since 1986, estimates of illegal immigrants have more than doubled. And the problem doesn't stop at the border—illegal immigrants are shunted into a dangerous, unregulated labor market while being forced to live on the fringes of mainstream society. This ironically furthers the very legal and cultural crisis so many anti-immigrant activists bemoan.

Given the realities of today's immigration debate, it's unlikely that a bill like McCain-Kennedy could pass (despite powerful supporters, including the U.S. Chamber of Commerce). Instead, the stalemate is likely to continue, with piecemeal and ineffective solutions like pumped-up Border Patrol funding offered in the breach. Over time, our border security will continue to weaken, hastening the day when anti-immigrant demagogues have enough power to take drastic steps. And then all Americans—not just immigrants—will be sorry. ■

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NOTEBOOK

SHARPTON: DEALS FOR THE POOR . . . IRAQ: SADDAM'S THE CURE

LOAN STAR

POLITICIANS ARE OFTEN SAID TO RESIDE somewhere below used car salesmen on the social ladder, but car-title lenders occupy an even lower rung. They're the people who make their money by offering small, short-term loans with annual interest rates that approach 300 percent to cash-strapped individuals who, in exchange, put up their car titles as collateral. Permitted in only about half the states, car title lending is a shameful practice that preys on the poor.

Which is why, at first glance at least, it's odd that that crusader for social justice Al Sharpton is now a TV pitchman for a title lender called LoanMax. As *The Washington Post* reported last week, Sharpton has cut three TV ads for LoanMax that have begun airing in three states. "Finally, there's someone in Virginia who will loan money to people the big guys won't loan to," Sharpton declares in one ad while standing next to an American flag.

But maybe Sharpton's new job isn't so odd. Put aside for a moment the fact that his professed concern for the poor and downtrodden is an obvious charade. Instead, consider that when Sharpton celebrates the fact that there's now someone "who will loan money to people the big guys won't loan to," he might actually be speaking from the heart—or least from experience. After all, Sharpton is about as obvious a credit risk as you're likely to find. In 1993, he pled guilty to not filing his personal state income taxes seven years earlier. In 1998, after a court assessed a $65,000 judgment against him in a defamation suit stemming from the Tawana Brawley hoax, Sharpton refused to pay, claiming later he had no assets other than his watch and his wedding ring. And then there was Sharpton's 2004 presidential campaign. After footing the bills for the candidate's stays in $1,000-per-night hotel rooms, the campaign ended up over $500,000 in debt and with a host of unpaid staffers. Al Sharpton for LoanMax: He's not just their pitchman. He might actually be a client!

Al Sharpton

THE NEW EPITHET

A LOT OF INSULTS HAVE BEEN hurled at Samuel Alito lately. But the White House thinks that one newspaper chain finally crossed the line this week. The vicious slur leveled against Bush's Supreme Court nominee? Conservative. After an exhaustive study of Alito's 311 judicial opinions, that's the shocking word Knight Ridder used to describe the former Goldwater acolyte and Federalist Society member. The White House immediately pounced, complaining to Knight Ridder and dispatching Assistant Attorney General Rachel Brand to defend the judge's honor on C-SPAN. "The term conservative means different things to different people. A judge is supposed to apply the law, not make it," argued Brand. But, once you start with the politics of personal destruction, it's hard to stop. In fact, Knight Ridder isn't the only media outlet to engage in this kind of name-calling. A news database search reveals that several magazines have also used the gutter rhetoric of the C-word in describing Alito: *National Review*, *The American Spectator*, and *The Weekly Standard*. And the White House might want to check in with Alito himself about whether he has recovered from an obvious bout of youthful self-hatred. In 1985, he wrote, "I am and always have been a conservative."

OFF THE HOOK

DURING HURRICANE KATRINA, NBC broadcast an image of telephone giant BellSouth's corporate flag flapping defiantly in the wind. The flag quickly became an inspirational "symbol," according to *USA Today*, "of the city's resolve," and the proud BellSouth employee who hoisted it explained that "[p]roviding phone service to people isn't just a business for us." But apparently somebody at BellSouth didn't get the memo. On Saturday, *The Washington Post* reported that, hours after New Orleans officials rolled out America's very first free public wireless Internet network in the hopes of stimulating economic recovery, BellSouth reneged on its offer to donate a building for a new police headquarters. BellSouth, it seems, was upset that Katrina opened the way for a system that telecommunications giants have helped to successfully smother in other major cities. But we can't help but wonder if the new wireless network is karmic retribution: BellSouth's land-line infrastructure caused so many problems in Katrina's aftermath that the Mississippi Public Service Commission is planning an official investigation into the compa-

DAVID COWLES

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ny's handling of repairs. And other phone companies that use its network have accused BellSouth of neglecting to repair certain phone lines until their users switch to BellSouth. After the TV crews have packed up and gone home, it seems that providing phone service is just a business after all.

THE NEW REALISM

"WE COULD GET STABILITY IN Iraq if we just reinstalled Saddam."

—Retired Lieutenant General William Odom, the former head of the National Security Agency and one of the leading advocates for an immediate U.S. troop withdrawal from Iraq, partially in jest, on National Public Radio last week

"Give [Iraq] back. ... I think Saddam's learned his lesson. ... Say, 'Look, you know, you behave yourself this time. Just ixnay on the torture.' "

—Don Imus speaking to his guest, Connecticut Senator Joe Lieberman, on his radio show late last month

"We give Saddam Hussein a nice shave, hand him back his old uniform, and put him back in office. Let him tame that f- place. We need this guy. He's the only one who can calm everybody down. Who else is going to do that? This guy was unbelievable. ... Sure, he had to zap a few guys on their [testicles] to get them in line, but, man, look at what he did."

—Howard Stern, in an interview with *Esquire*

DEPARTMENT OF CORRECTIONS

"ANSWER KEY" (NOVEMBER 21) wrongly stated that Judge Samuel Alito dissented from his colleagues' decision in 1991 to uphold a Pennsylvania law requiring women to notify their husbands before seeking an abortion. The majority opinion in that case upheld not the Pennsylvania law, but a lower court ruling, which had declared the law unconstitutional.

"Withdrawal Symptoms" (November 21) referred to conversations between then–Rhodes scholars Russell Feingold and "future NFL quarterback Pat Haden." Haden, however, had already joined the Los Angeles Rams when he went to Oxford. We regret the errors. ■

CHRISTMAS PARTY

BY T. A. FRANK

"I think there is a general war on Christians underway in our country. ... I think it's clear it is liberals who are the purveyors of an anti-Christmas, anti-Christian bias." —Fox News host John Gibson, author of THE WAR ON CHRISTMAS: HOW THE LIBERAL PLOT TO BAN THE SACRED CHRISTIAN HOLIDAY IS WORSE THAN YOU THOUGHT

DEMOCRATIC NATIONAL COMMITTEE

TO: Leading Democrats

FROM: DNC Executive Committee

(cc: Howard Dean)

SUBJECT: Overcoming the Anti-Christmas Image

While our base strongly supports the war on Christians, polling numbers suggest that we're losing independent voters. We believe the key to gains in 2006 is to demonstrate a love of Yuletide that is resolute, patriotic, and gritty. Democrats cannot afford to look weak or vacillating, so we suggest action in the following areas:

STATUETTES
Produce Precious Moments-style Nativity scenes with figurines of leading Democrats. Wise men should include Tom Vilsack and Ken Salazar. The baby Jesus should resemble Barbara Boxer.

ENVIRONMENT
Highlight the neglectful environmental stewardship of Republicans by focusing on the threat faced by the woodland elf. Also, befriend group of elves and, if possible, train to serve as communications staff for Howard Dean.

PAGEANTRY
Capitalize on Abu Ghraib human-pyramid expertise by stacking detainees this time to form, unmistakably, a human Christmas tree. (Note: Detainees should either be clothed in green, or, if naked, painted.)

MOVIE
Produce a pro-Christmas techno-thriller directed by Mel Gibson and starring Evan Bayh. Supporting roles should include Chuck Schumer as the gruff but lovable space-sleigh mechanic Papa Scraps.

OTHER HOLIDAYS
Three talking points: Hanukkah is Moronikkah. Ramadan is Rama-dumb. And fuck Kwanzaa.

TAXES
Advocate the Christmas tax break, a holiday tax relief package for Christians. Suggest that any resulting shortfalls in revenue be made up with money from Jews.

IRAQ
Democrats should launch a $12 billion hearts-and-minds campaign to provide a Christmas tree for every Iraqi.

Let's be clear: Winning in 2006 will not be easy, but the path, in this case, runs straight—and hopefully roughshod—over liberal secularists. The sooner Democrats recognize this, the sooner we can return to office and fight for the issues that really matter to us—namely, winning the war against Easter.

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Blantyre Dispatch

State Farm

BY JOSHUA KURLANTZICK

INSIDE NEWLANDS, A gated community in Blantyre, the largest city in the southern African nation of Malawi, it's as if the colonial era never ended. In a small cottage, elderly British couples—the men in *Out of Africa* khaki short-shorts and knee socks—sip milky afternoon tea brought by Malawian attendants in white frocks. Most residents are retired farmers of tea, tobacco, and coffee, Malawi's traditional exports. During the colonial period, these commodities were grown on large estates owned by the British crown. When Malawi became independent in 1964, some estates stayed in the hands of British citizens, a tiny white land-owning minority in a country whose population has swelled to twelve million.

One might think that Newlands residents would be worried. Over the past five years, as white landholders have been violently pushed off their farms in neighboring Zimbabwe, Malawian politicians have praised Robert Mugabe's land expropriation. Poor Malawian workers have begun encroaching on tea and coffee estates, sometimes even attacking farm managers. But no one at Newlands seems concerned that Malawi could come to resemble Zimbabwe. Dick Buckingham, a former tobacco estate manager who has lived in Malawi for 60 years, leans back in a porch chair, sipping whiskey on ice. "There are even some [white] Zimbabwean farmers who've come here to work," Buckingham says. "Only the extremists would like to see the estates closed down [in Malawi]."

Outside the gated community, though, the situation is bleaker: Spotless Newlands cottages give way to Blantyre's tin-roofed shacks. Malawi has one of the highest population densities in Africa, and per capita income averages about $200 per year. Emaciated children wander the roads, begging drivers for five kwacha, less than a nickel. Outside Blantyre, in the rural Thyolo region, Malawians grow scraggly ears of maize or forage for food in the few remaining woodland areas, already almost completely denuded by scavengers.

The crisis in Zimbabwe has focused media attention in southern Africa—in Malawi, Namibia, Zambia, and South Africa—on the plight of white farmers like those from Newlands. But, in truth, it is poor blacks who most often are the victims of corrupt land reform. Indeed, in African countries undergoing land reform, the greatest threat may not be Mugabe-style expropriation of white farms, but a less understood part of the Mugabe strategy: stealing land from poor blacks and handing it to political elites, most of whom know little about farming, a situation that has led to a horrific famine in Zimbabwe. "I'm always highly suspicious of land reform acts that give more [connected] people the possibility of taking more land," says one land expert in Blantyre. Unfortunately, Malawi's land reform may do just that.

ACROSS SOUTHERN AFRICA, where agriculture often remains the only viable occupation, land retains enormous economic and psychological value. Most southern African states are also young democracies, and, over the past decade, their governments have vowed to promote land reform—the process of handing over land to the landless. But, faced with numerous challenges—from holding free elections to combating HIV—most have stalled on land reform. In Malawi, major land reform did not begin until 2002. In South Africa, whites, who comprise roughly 10 percent of the population, owned over 85 percent of farmland in 1994; yet, since then, the government has transferred less than 5 percent of it to new owners. The slow pace of reform, combined with high unemployment, has sparked populist outcries. In January 2004, Joseph Kauandenge, then–head of the National Unity Democratic Organization party in Namibia, announced that "silence over [land reform]" could prompt invasions of white-owned land. In November 2004, some 10,000 people marched on the offices of South Africa's largest commercial farming organization. One march leader told reporters, "Land must be returned to the people ... and the government must expropriate it if necessary."

The foreign media has played up this tension: "MUGABE 'EXPERTS' SPARK FEAR OF LAND GRAB IN NAMIBIA," thundered one *Guardian* headline. But the media focus is misplaced—Namibia, South Africa, Malawi, and Zambia are unlikely to face a racial crisis anytime soon. Outside Zimbabwe, white farmers, backed by powerful commercial unions, have reached a reluctant accommodation with land reformers. "In Namibia, soon after independence [in 1990], there was a national conference on land reform that led to some consensus, and all stakeholders, blacks and whites, could give input," says Sakkie Coetzee, executive director of one of the country's large farming organizations. In fact, one head of Namibia's white farmers' union told members that they must "face reality" and proactively take part in the land reform process. What's more, most southern African nations are highly dependent on foreign investment and need to project an image of stability. "The Namibian government is concerned, aware of the country's international standing," says one Western diplomat posted in Windhoek, the capital. In South Africa, the continent's biggest draw for foreign companies, the government has repeatedly called on the police to evict squatters from white land.

Ironically, when it comes to land held by poor blacks, or traditional black chiefs, many southern African governments have acted far differently. In the Thyolo region, southeast of Blantyre, rolling hills layered with palm fronds

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give way to steeper peaks covered in scrubby trees. On one local mountain, many families had built small huts and, for generations, raised corn and small animals to survive. Like most poor people in Africa, they had no title to their land, which was communal and overseen by traditional chiefs. Over the last five years, the Malawian government seized the land and handed it to supporters of former President Bakili Muluzi, who remains powerful. "Local communities were just pushed off their land," says one person who followed the Thyolo incident. "When I asked one minister why ... he just mumbled something."

This type of expropriation is all too common. In Zimbabwe, "the biggest losers of the land program have been black Zimbabweans," International Crisis Group special adviser John Norris told reporters in 2004. In Malawi, the new land reform policy, approved in 2002, concentrates an extraordinary amount of discretion in the hands of the land minister and other top bureaucrats and allows the government to take communal land—where the poorest live—without consulting traditional leaders. Meanwhile, in Namibia, leading ministers have become gentleman farmers, traveling to the farms they have obtained on weekends and using them as status symbols. "Big politicians already have affirmative action loans to buy farms ... and government will just keep subsidizing those big politicians," says Robin Sherbourne, a Namibian land reform expert. In Zimbabwe, Mugabe has seized nearly eleven million hectares of land, much of which has gone to his political supporters. One study of Malawian land reform shows that some 28 percent of the nation's total land area currently lies idle, suggesting that the arable land is being taken by wealthier interests who don't know how to use it or don't want to.

Unlike white farmers, poor blacks have few unions to protect them, matter little to foreign investors, often don't understand the judicial process, and receive far less press coverage. "Average people don't know about land reform. ... When you go out to communities, they'll tell you they don't know about the policy," says one Malawian land expert who works closely with the poor.

Strong opposition parties might expose the corruption inherent in many land reform policies. Yet, even in South Africa, no opposition party garners more than 13 percent of the vote. Southern Africa also hasn't yet developed a vibrant nonprofit culture. "Without NGO pressure, you have a greater chance of land just going to politically connected people," says Oxfam's Robin Palmer.

Across Blantyre from Newlands, in the gritty industrial suburb of Limbe, Robert White is hardly as relaxed as the old British farmers. The advocacy director for Oxfam's project in Malawi, White is an idealistic young Malawian with a long face and a slick, shaved head. His eyelids droop, and, at times, he seems ready to collapse at his desk. He has reason to be tired: Oxfam Malawi is one of the few organizations battling for the poor's land rights in a society where colonial rule, followed by post-independence dictatorship, eviscerated civil society. He is essentially alone. "Oxfam basically pushes ... the government to listen more to the people in the process of land reform," says White, noting that he hasn't found many allies.

Donors, who contribute mightily to government budgets, can exert pressure to ensure that land is not given to political elites. (In Malawi, aid money accounts for nearly half the state budget.) Unfortunately, many donors aren't stepping up to the plate. For instance, the German government, still the largest aid donor to Namibia (its former colony), seems to be stalling on playing a financial and advisory role in that country's land reform, says Rogier van den Brink, of the World Bank in Pretoria.

THE RESULT OF these land grabs is disaster. Handing land to people who don't know how best to farm it decreases crop production in an already famine-prone region. In Malawi, after the land in Thyolo was handed to the new inhabitants, many couldn't farm the rough soil, contributing to serious hunger and violent unrest in the area. "It's been a disaster," admits one land reform specialist. Across Malawi, a combination of poor weather and ill-trained farmers taking over land has led to the worst maize harvest in more than a decade. The U.N. Food and Agriculture Organization predicts that 40 percent of Malawians, some five million people, may be at serious risk of hunger this year; the World Food Programme has issued an emergency report and an appeal for aid to Malawi. In Namibia, meanwhile, *Jane's Intelligence Review* reports that the handing over of former commercial farms has been disastrous, with land "degenerating back to subsistence existence."

The worst-case scenario can be outright famine. In Zimbabwe, large tracts of land were handed to so-called "cell phone farmers"—members of Mugabe's party who continued to live in the capital. The handover to these new, unskilled landlords cost some 90,000 Zimbabwean farm workers and small-scale farmers their jobs and ruined what was once Africa's breadbasket. Since the land-grabs began, the amount of land under cultivation in Zimbabwe has fallen by half, and the United Nations has warned that, during Zimbabwe's bleakest periods, some seven million people in the country are susceptible to famine. Now, even Mugabe's government admits it will have to import more than one million tons of grain this year. And Zimbabwe's famine could destabilize the rest of the region. Two million Zimbabwean migrants have already poured into South Africa, and Zimbabwe's famine adds to a regional food crisis that is severely stretching donor resources.

Even these statistics don't tell the whole story on the ground. As one BBC reporter found in Zimbabwe, "Hungry people queue for the meager rations offered by church workers, their children's hair already changing color from malnutrition ... [S]ome compete with wild animals for what they can scavenge." This, not the end of the white farming culture embodied in places like Newlands, is the real harvest of land reform in southern Africa. ■

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Forgetting the lessons of Vietnam.

Clear and Fold

BY LAWRENCE F. KAPLAN

CARLISLE, PENNSYLVANIA, a picturesque college town just west of Harrisburg, couldn't be further from Iraq. With its coffeehouses, galleries, and charming side streets, it resembles nothing so much as Oberlin, Ohio, or Ann Arbor, Michigan. But the students who call Carlisle home arrive here not from holiday breaks, but often directly from Iraq, where they led U.S. Army battalions in combat. They come here to attend the U.S. Army War College. The students—most with graduate degrees, some with two tours in Iraq—have ascended to a place few officers do. The college only extends invitations to the Army's brightest stars, drawing from a pool of candidates slated for promotion to colonel and, in many cases, destined to be generals.

In the hallway outside a seminar room, a group of lieutenant colonels just back from Iraq marvels at the tactics of a brigade combat team that a journalist had seen in action earlier this year. Why is it, one of them asks, that reporters so rarely convey these feats? Do they not realize that U.S. forces have yet to lose a battle? The question, echoing as it does a refrain from the Vietnam war, reveals more than any answer could. If its operations do nothing to further a strategic goal, an army can win every battle it fights and still lose the war. If there was a lesson worth learning from Vietnam, this was it. But, while Army officers yield to no one in their tactical expertise, what they don't study much is strategy. "The military is precisely inverted from civilian life," says Stephen Biddle, who straddles both worlds as a civilian scholar at the War College. "Strategy is the occupation of a very few in the Army."

It is also, not coincidentally, the occupation of very few in Iraq. The litany of strategic blunders committed by the civilian leadership prior to the war—the failures to plan adequately for the occupation, to put enough troops on the ground, to contend with all but the rosiest scenarios for the war's aftermath—have been well-chronicled and rightly condemned. Nor has it helped that Donald Rumsfeld has spent the years since the invasion entertaining himself with tantalizing visions of a revolution in military technology, preparing to win the next war rather than the current one. But Rumsfeld's lack of strategic sense does not prove the Army's abundance of it, as many of the defense secretary's critics seem to think.

Unlike the failures of three years ago, today's failures have largely come in the operational realm—that is, in military operations designed to accomplish what is, by now, a clearly defined strategic goal: to quash the insurgency. Operations are what generals are paid to do. And, in Iraq, the job belongs mostly to Army generals who run Central Command, as well as the theater and ground commands in Baghdad. Bruised by charges that they hadn't deferred to military expertise prior to the invasion of Iraq, policymakers have allowed the brass an enormous degree of latitude. The generals, however, have performed scarcely better than their civilian counterparts. The problem with the Army's approach to Iraq hasn't been a lack of capability, but confusion—in the highest ranks—regarding the utility of force as an instrument of counterinsurgency. Traditionally understood, the path to defeating an insurgency runs through the population, without whose support insurgents can be forced to fight in the open. Securing control of the population depends, in turn, on guaranteeing its physical security and—through social programs, civic assistance, and the like—winning its "hearts and minds" (see Caroline Elkins, "Royal Screwup," page 16). By contrast, a strategy that simply relies on killing insurgents may never eliminate the insurgency itself, whose ranks can be filled by new recruits from a supportive population—an outcome made more, not less, likely if the government employs a heavy hand during conventional operations.

Unfortunately, conventional operations happen to be the U.S. Army's specialty. Having been drained of blood and prestige in Southeast Asia, the Army responded by banishing "counterinsurgency" from the lexicon of U.S. military affairs. And, in Iraq, where the Army has spent nearly three years launching big-unit sweeps, relying heavily on firepower, and otherwise employing conventional tactics against an unconventional foe, it shows. In recent months, this has begun to change, as the generals respond to complaints that their tactics don't match strategy. But it's probably too little and too late. Too little, because, while Iraq may have come apart at the seams even with a viable counterinsurgency concept in place from the outset, the American way of war has all but guaranteed today's chaos. Too late, because, while the Army has been chasing insurgents back and forth through the same towns, patience with the entire U.S. mission in Iraq has nearly run out on the homefront, a battlefield that matters just as much as the one in Iraq.

THE SERVICE SCHOOLS, field manuals, and training centers that generate Army doctrine have always focused on winning "the big one." In *The Army and Vietnam*, his classic account of the Army's experience combating insurgency in Southeast Asia, then–Major Andrew F. Krepinevich Jr. writes:

> [T]he Army's experience in war did not prepare it well for counterinsurgency, where the emphasis is on light infantry formations, not heavy divisions; on firepower restraint, not its widespread application; on the resolution of political and social problems within the nation targeted by insurgents, not closing with and destroying the insurgent's field forces.

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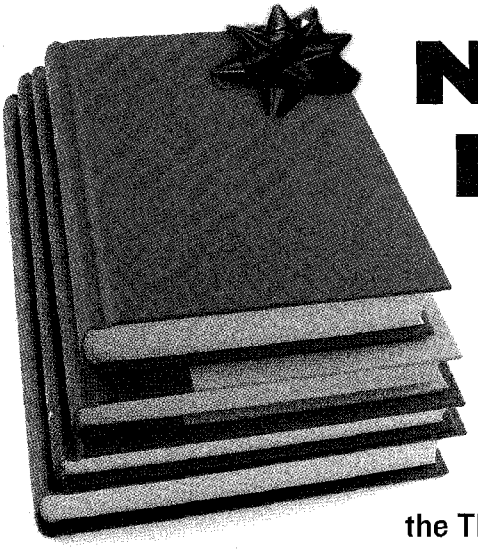
If all this rings familiar from Iraq, that's because it is. The Army's historical memory contains a gap. "After Vietnam," recounts retired Army Colonel Robert Killebrew, "the Army just walked away from unconventional war."

Understandably eager to put the most painful experience in its history behind it, and less understandably convinced that its conventional operations actually succeeded in Vietnam, the Army reverted to training for the conventional wars it knew best. (In this, it was assisted by canonical texts like Colonel Harry G. Summers's *On Strategy*, a selective reading of the Vietnam War in which the author criticizes policymakers for relying too heavily on counterinsurgency tactics.) With the exception of the early '80s, when it enjoyed a brief vogue during the war in El Salvador, counterinsurgency all but disappeared from the Army's vocabulary. So much so that, according to an unsparing report by Army War College scholar Conrad C. Crane, when instructors planning a course on the topic went searching for lesson material at the Army's Special Operations School during the 1980s, "they found that the staff there had been ordered to throw away their counterinsurgency files."

Returning to conventional orthodoxy made a certain amount of strategic sense during the cold war, when the Army's mission was to defend against a Soviet thrust across the plains of Central Europe. But, thanks in no small measure to the direction of Chairman of the Joint Chiefs of Staff Colin Powell and the doctrine of overwhelming force named after him, the Army kept training for that mission, even after the Soviet empire collapsed. Field Manual (FM) 100-5, for instance, which was published in 1993, skims over insurgencies in three paragraphs. After becoming Army chief of staff in 1999, General Eric Shinseki prodded the Army into becoming a lighter, more agile force that could better tackle a "full spectrum" of operations, from conventional war to peacekeeping. But, says Lieutenant Colonel Jan Horvath, author of FM 3-07.22—a counterinsurgency field manual, which the Army finally issued 18 months into the war in Iraq—"most people did not see [counterinsurgency] in terms of full-spectrum operations." Indeed, FM-3, the Army's doctrinal cornerstone on the eve of war in Iraq, covers counterinsurgency in a single page.

THERE WAS, FAMOUSLY, a consensus among the Army leadership that they were being sent into Iraq with insufficient troop levels. But the complaint about numbers always rested on the assumption that post-conflict operations would be just that—stability operations, not a guerrilla war, where numbers actually count for much less than tactical finesse. Army doctrine for post-conflict operations maintains that a visible



Need Help This Holiday Season?

Here at **The New Republic**, we've compiled a list of top book recommendations from our esteemed writers and editors, including Martin Peretz, Leon Wieseltier, Peter Beinart, and more.

From fiction to history, children's books to art criticism, the TNR Holiday Books Guide will make your holiday shopping a snap. Just go to **www.tnr.com/holiday** for suggestions from your favorite editors.

We've also arranged a **10% discount** for all your book and DVD gift purchases at Powells.com. Just visit **www.tnr.com/holiday** for recommendations and to receive the exclusive discount for TNR readers.

Happy Holidays from all of us at
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profile furthers stability, but, in an insurgency like Iraq, troop concentrations tend to invite more problems than they solve. Nor, in any case, did the Army translate even its own post-conflict assumptions into training. Noting that it did not generate a post-conflict plan until seven months after Baghdad fell, a study by Army Major Isaiah Wilson III, who served as the chief war planner for the 101st Airborne Division in Iraq, reports "a collective cognitive dissonance on the part of the U.S. Army to recognize a war of rebellion, a people's war, even when they were fighting it." Leonard Wong, a bright and energetic research professor who flew from base to base in Iraq to survey platoon and company commanders for a War College study, says, "There was no doctrine, no standard operating procedure, no guidelines, no manuals."

Until recently, then, Army officers in Iraq had a choice. They could rely on conventional Army doctrine, or they could rely on their wits. Those opting for the former at first took their cue from Central Command chief General John Abizaid and theater commander General Ricardo Sanchez, who dismissed the insurgency as "strategically and operationally insignificant." As such, they took an essentially conventional operational approach, one that favors big-unit sweeps, targeted raids, constant patrolling, ground convoys, and active force protection measures (i.e., liberal expenditures of firepower). Picking up where Sanchez left off, his successor, General George Casey, has offered more of the same, only at a faster tempo and with body counts. In its essentials, he has resurrected an approach tested and found wanting in Vietnam, where, rather than pursuing traditional counterinsurgency operations, the Army applied the same strategy of attrition it had used in Europe during World War II. (Asked at a press conference how he intended to combat the insurgency in Vietnam, General William Westmoreland famously responded with one word: "firepower.") So, too, in Iraq. "[I] don't think we'll put much energy into trying the old saying, 'Win the hearts and minds,' " ground commander Lieutenant General Thomas Metz said last year. "I don't look at it as one of the metrics of success."

But exactly what the Army's strategy of attrition has accomplished isn't so clear. "It's a pretty constant spiral," says an Army commander in Iraq. "To eliminate the [insurgents], you rely on force. But too much force alienates the population even more." Moreover, sweeping through towns and villages only to move on the next day allows the insurgents to flood back into their sanctuaries as soon as U.S. forces depart.

Even the lessons in unconventional operations that the Army prided itself on having learned in the Balkans have proved at best irrelevant and at worst counterproductive. "In insurgency, visibility is perceived as occupation," says Michael Vickers, a former Army Special Forces officer and a military analyst at the Center for Strategic and Budgetary Assessments. "The patrols just anger the population." The patrols also routinely get hit, accounting for a large percentage of American casualties. As Army Chief of Staff General Peter Schoomaker conceded in a hearing of the House Armed Services Committee last year, "Sometimes, the best way is to be less present ... exposing more and more of your formation to this kind of [insurgent] warfare may not be the smartest thing to do."

HAVING DISCOVERED THIS by themselves, many commanders at the company, battalion, brigade, and, in some cases, division levels have walked away from Army doctrine in Iraq, becoming, in effect, strangers to their own tradition. The results vary by unit, with officers singling out the 101st Airborne Division and the 3rd Armored Calvary regiment as having been particularly flexible. As an official quoted in a RAND report, "Insurgency and Counterinsurgency in Iraq," puts it, "Some of these commanders have paid close attention to the lessons learned over the years [about counterinsurgency] and are applying them in theater but it is not division or battalion wide. It often is up to the individual commanders." Seated around a seminar table at the War College, a group of battalion commanders recount how they had to improvise on the fly in Iraq. Officers, for example, exchange real-time tips on unit websites like the 1st Cavalry Division's *Cavnet*. According to Lieutenant Colonel Jim Schultz of the Center for Army Lessons Learned at Fort Leavenworth, which analyzes and responds to requests from Iraq, the center has fielded over 4,000 queries about counterinsurgency tactics.

And, to an extent not seen in previous wars, commanders in Iraq rely on "mission orders." The practice, really a philosophy of command, refers to orders that assign a purpose rather than the specific means to accomplish that purpose—the premise being that the officer on the front line has a better sense of the battlefield than the commander back at headquarters. And, in conflicts like Desert Storm—where tactics, operational schemes, and grand strategy all pointed in the same direction (north, in that case), and where what a captain had to do jibed obviously with what the president of the United States wanted done—it worked magnificently. What to do in a counterinsurgency without front lines isn't so obvious.

At the War College, the conversation turns to the fate of Nathan Sassaman, a disgraced Army officer profiled by *The New York Times Magazine* in October. The *Times* depicted Sassaman, who left the Army under a cloud after covering up abuses by his men, as something of a victim, reduced to making up rules as he went along because the Army never prepared him to battle an insurgency. The officers at Carlisle see no merit in his defense. But, absent any doctrinal framework for guerrilla warfare, relying on the Army's mantra of flexibility hardly suffices. Sassaman, after all, was plenty flexible, doling out funds to one village and surrounding another with barbed wire. "In counterinsurgency, there is a point beyond which reliance on mission orders amounts to an abdication of command responsibility," argues Boston University Professor Andrew Bace-

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vich, an Army veteran of counterinsurgencies in El Salvador and Vietnam. "There is an array of doctrines, tactics, and procedures for counterinsurgency, and the Army today either does not have them or has not inculcated them in the ranks."

AFTER COMBATING THE insurgency for nearly three years in Iraq, the Army is finally starting, slowly and fitfully, to incorporate these lessons into doctrine. Battalion commanders who prepared against a conventional enemy at the National Training Center in Fort Irwin, California, prior to their first deployment to Iraq say that, when they returned to prepare for their second deployment, nearly all of the exercises involved guerrilla warfare. From West Point to the War College, the service schools have all added courses on the subject. As well as releasing a counterinsurgency field manual last year, the Army's Training and Doctrine Command has a draft counterinsurgency doctrine waiting to be approved, and, last month, a counterinsurgency school even opened in Iraq, which incoming company and battalion commanders will attend as soon as they arrive in theater. Meanwhile, at the top, despite Casey's insistence that "we're applying counterinsurgency doctrine to the situation in Iraq, and doing it fairly well," his approach is, even now, undergoing a profound revision. Tellingly, the shift comes as much at the behest of retired officers, think tanks, and civilian policymakers as it does from the accumulation of the Army's own experience. The impetus also comes from two reviews of military strategy in Iraq, one commissioned by Casey himself and one by U.S. Ambassador to Iraq Zalmay Khalilzad. Casey's review, launched this summer, concluded that U.S. forces "generally have it about it right," in the general's own telling. Khalilzad's review, also launched during the summer, concluded they don't.

According to officials familiar with its conclusions, the ambassador's team recommended that the military shift its attention to establishing and maintaining security in areas already cleared of insurgents. The shift has already been put into practice, as Iraqi units move into areas cleared over the past few weeks, with some U.S. forces staying behind as well, and civil-military reconstruction teams set to fan out across Iraq's provinces. The "clear and hold" strategy draws from Khalilzad's experience as ambassador to Afghanistan, where he employed similar teams, and from the Civil Operations and Revolutionary Development Support program in Vietnam, in which U.S. military and civilian advisers aided security forces and civic programs at the local level. It also draws from a campaign by Secretary of State Condoleezza Rice, who has been pressing for months to shift military strategy toward local security. Last week, the new approach was enshrined in official policy by the president himself, who, in his "National Strategy for Victory in Iraq," committed the United States to a "clear, hold, and build" doctrine.

The administration's new thinking draws, in turn, from the work of Krepinevich. In a recent essay in *Foreign Affairs* and in briefings with Khalilzad, the joint staff, and other administration officials, the retired Army lieutenant colonel has been lobbying for the application of an "oil-spot" strategy in Iraq. The strategy, which dates back to the Vietnam era, calls for securing limited areas of the country before spreading out to others, like an oil spot. From his Washington office, Krepinevich concedes that his strategy would require U.S. forces to stay in place for longer than the American public may permit. At this point, however, he sees no alternative. "Insurgents don't rotate out [of Iraq]," Krepinevich says. "They just get better and better."

LEAVING ASIDE THE debatable merits of the clear-and-hold strategy—chief among them the fact that Iraq tends to be populated not by Vietnamese, but by Iraqis, whose sectarian rage no pacification program may be able to dampen at this point—the emergence of a counterinsurgency strategy comes as welcome news. But why didn't such a strategy emerge 30 months ago? Last month, for example, an excited David Ignatius revealed in his *Washington Post* column that General Abizaid and other senior officers in Iraq were reading Lewis Sorley's *A Better War*, the definitive account of America's improved counterinsurgency efforts in South Vietnam after the Tet Offensive. One can take this as evidence that the generals correctly grasp the nature of the war in Iraq, as Ignatius does. Or one might ask what the discovery of a standard text on Vietnam, without which no college course on the subject would be complete, says about the strategic literacy of leaders who get surprised by problems and then go read a book to resurrect a dubious answer from the past.

Tellingly, both Rice and Abizaid find that answer in the realm of technique, the tacit assumption being that what worked, or ought to have worked, in Vietnam will work in Iraq. What they seem to have missed is that the United States lost the war in Vietnam. While it is true that, by 1972, "the pacification program had essentially eliminated the guerrilla problem in most of [South Vietnam]," as the program's deputy, William Colby, recounts, it ended up being too little, too late. After five years of conventional operations to no end, public support for the war collapsed in 1970, and, in Iraq, it has collapsed even sooner. Today, according to CNN/*USA Today*/Gallup and Harris surveys, clear majorities favor complete withdrawal from Iraq immediately or within the next year. The war's managers, then, have become caught in a bind of their own devising. As in Vietnam, an effective counterinsurgency strategy requires time and patience. But, just as in Vietnam, Americans have run out of both. Had the Army employed its current approach from the beginning, it might have had a chance at winning the war in Iraq before losing it at home. But, as the war grinds into its third year, the clock has nearly run out. Which can only mean one thing: It's almost time to forget about counterinsurgency again. ■

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Why Malaya is no model for Iraq.

Royal Screwup

BY CAROLINE ELKINS

THAM YONG REMEMBERS the events that took place in Batang Kali in early December 1948 with disturbing clarity. It was the early days of the communist insurgency in Malaya, and British soldiers had arrived in her village. They singled out scores of Chinese civilians, accusing them of supplying the communists with food. The women were loaded onto trucks and taken away, though not before they witnessed British troops leading off two dozen men and shooting them in the back. Two days later, when Tham returned to look for her fiancé, she found mutilated bodies with heads hacked off and genitals smashed. The surrounding village had been reduced to ashes.

Today, as the Bush administration searches for a counterinsurgency strategy in Iraq, several military thinkers are pointing to the British operations in Malaya as a model. Episodes like the Batang Kali massacre seem to have been forgotten. Instead, contemporary analysts argue that Great Britain effectively suppressed communist insurgents and won civilian support through a large-scale, "hearts-and-minds campaign." In his recent article in *Foreign Affairs*, Andrew Krepinevich, a former Pentagon official who now heads the Center for Strategic and Budgetary Assessments—and whose views have had a major impact on the administration's thinking (see Lawrence F. Kaplan, "Clear and Fold," page 12)—argues, "In the 1950s, the British used [hearts and minds] successfully in Malaya. ... For the United States, the key ... is [also] winning 'hearts and minds.' The Iraqi people must believe that their government offers them a better life than the insurgents do, and they must think that the government will prevail." According to an August 28 *New York Times* column by David Brooks, this argument is "already a phenomenon among the people running this war, generating discussion in the Pentagon, the CIA, the American Embassy in Baghdad, and the office of the vice president."

To be sure, Britain's counterinsurgency operations in Malaya were a short-term success. British forces reestablished order and disengaged from imperial occupation. But the hearts-and-minds campaign, the theoretical backbone of Britain's counterinsurgency strategy, was more myth than reality. To seize civilian control, the British created a police state and invoked draconian powers ranging from movement-restriction and collective punishments to detention without trial. Winning the war against insurgents came at a high price for the local civilian population and for the independent state that picked up the mantle from its former colonizer. Rather than serving as a historical precedent for a successful hearts-and-minds campaign, the British campaign in Malaya illustrates the dangers of continuing our current strategy in Iraq.

BETWEEN 1948 AND 1960, the British ostensibly pursued, in British strategist Robert Thompson's words, "a war for the people," including much-touted social welfare and youth programs, along with civics courses and vocational training. But the scope and scale of these efforts were miniscule, and most of these projects were implemented in the later years of the war.

More characteristic of the British campaign were military tactics like the "pseudo-gang" model, which British forces used to take aim at some 9,000 members of the Malayan Races' Liberation Army (MRLA), whose hit-and-run tactics and knowledge of local terrain frustrated colonial troops. Employing local Chinese sympathizers in the ranks of pretend terrorist gangs, British forces tracked down MRLA forces in the jungles and rooted most of them out by 1958. This campaign was riddled with abuses. The corpses of guerrillas were routinely put on display. Decapitation was also practiced: A photograph of a Marine commando holding two insurgents' heads caused an outcry in the spring of 1952. Privately, the British government noted that "there is no doubt that under international law a similar case in wartime would be a war crime."

Britain's campaign against the Min Yuen, or the Chinese civilian supporters of the MRLA, was similarly brutal. To sever the supply lines between the Min Yuen and the MRLA, the British, as they did in nearly all of their counterinsurgency efforts, created a police state. They passed a host of measures—some 149 pages of regulations in all—that included search and seizure, curfews, strict food controls, and the right to detain without trial. This last emergency power was used liberally, with nearly 34,000 people detained in a labyrinth of camps.

It was, though, Britain's creation of barbed-wire villages that took the heaviest toll. Nearly the entire Chinese population of 400,000 to 500,000 were forced from their homes and were resettled into some 400 heavily guarded barbed-wire villages. They were deprived of all civil rights, and they endured great physical and emotional abuse. One journalist described how the British police routinely resorted to brutality: "To many of these sergeants, every Chinese was a bandit or a potential bandit, and there was only one treatment for them; they were to be 'bashed around.'" Villagers like Tham, who survived the Batang Kali massacre, endured years of abuse and hardship before submitting to colonial control. As in other parts of Britain's empire, it was the stick, not the carrot, that eventually broke civilian support for the insurgency.

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In some ways, the U.S. military in Iraq is already following the British counterinsurgency model in Malaya. Although stateside leaders and strategists continue to pay lip service to the hearts-and-minds approach, the reality is that commanders on the ground, much like their counterparts in the former British empire, are skeptical. As Iraq ground commander General Thomas Metz stated bluntly, "[I] don't think we will put much energy into trying the old saying, 'Win the hearts and minds.' I don't look at it as one of the metrics of success." Instead, the United States is already pursuing a policy that is reminiscent of the British manhunt operations in Malaya. Drawing on the pseudo-gang model, the Pentagon assembled a Special Operations task force in November 2003 with the purpose of capturing or assassinating Baathist insurgents. For such a strategy to be effective, the Americans, like the British before them, must obtain accurate intelligence and sever civilian support. But most of the military's focus so far has been on brute force. The war has already witnessed the use of detention without trial, torture, and collective punishment against the Iraqi people.

It remains to be seen whether U.S. forces will follow Britain's earlier lead and continue down the path of repression for the sake of military expediency. But the Malayan example illustrates the price of this strategy. In the years after independence, Malaya experienced continued violence, culminating in a state of emergency from 1969 to 1971. The Malaysian government's crackdown on dissent—including the suspension of due process and freedom of the press—is arguably the legacy of British repression. Today, Malaysians continue to live under an Internal Security Act that was adapted from Britain's emergency regulations of the late '40s. Allowing for detention without trial, this act has helped put thousands of people behind bars since independence, including the former deputy prime minister.

In the final accounting, repressive laws and undemocratic institutions, not peace and progress, were the primary bequest of the British to Malaya. This legacy, and the counterinsurgency operations that helped to underwrite it, hardly seem like an appropriate model for restoring stability in twenty-first-century Iraq. The question then remains: Are there any successful counterinsurgency precedents to which the United States can look? Historically, hearts and minds was a myth that provided an ideological smoke screen for the more brutal tactics that unfolded on the ground. But what if, as Krepinevich suggests, the United States actually implemented hearts and minds on a large scale? Offering a better life by way of social, political, and material benefits would surely make significant inroads into the popular support for Baathist insurgents. Of course, such a strategy would have a steep price tag in terms of money, personnel, and time—one that the British weren't willing to pay in Malaya. Given the current political climate and plummeting popular support for the war, it is hardly surprising to see the Bush administration following in Britain's footsteps. ■

Stopping identity theft.
Data Mine

BY DANIEL B. PRIETO

This year has been bad for my identity. In May, Time Warner, my former employer, sent me a letter informing me that they had lost backup tapes containing the names and Social Security numbers of their current and former U.S.-based employees. In June, it was announced that 40 million credit card numbers had been compromised by a computer hack into payment-transfer company CardSystems Solutions. In September, I learned that the CardSystems break-in had affected me. By now, virtually everyone knows someone who has had their data lost or identity stolen. From February—when a high-profile break-in at consumer-data broker ChoicePoint resulted in the loss of 145,000 records—until the CardSystems break-in, businesses, universities, and government agencies lost an additional ten million records. The increase in data theft has led to an increase in identity theft, in which petty thieves, organized crime, and terrorists use personal data to fraudulently obtain cash, credit, false identification, and travel documents. According to an August 2005 Experian/Gallup poll, nearly one in five Americans has experienced some form of identity theft.

Worse, this number is likely to rise. Lost data is like asbestos: The harmful consequences of exposure may take years to materialize. On average, victims do not become aware of identity theft for 14 months, but, in some cases, it can take up to ten years. And, once the theft is discovered, victims are left alone to clean up the mess. They have to report the theft to local law enforcement and to federal authorities, alert the credit bureaus, monitor their own credit reports, and separately notify each and every institution that allowed the fraudulent accounts to be set up. As a result, it takes victims, on average, 600 hours of their personal time and more than $1,000 in out-of-pocket expenses to clean up their records.

In the wake of all the bad news surrounding data theft, Congress is starting to pay attention. It is currently considering no fewer than ten bills to regulate how companies handle consumer data. But none of these measures go far enough in addressing data loss or identity theft. Although Congress realizes that the problem is getting worse (several senators were even among the 1.2 million federal workers affected when Bank of America lost personal data in Febru-

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ary), it is reluctant to regulate personal data. Its flow has become too important, not just to the economy, but to homeland security and politics as well.

But, if nothing effective is done, in five years, today's data and identity theft numbers will seem small by comparison. Even as it defends the flow of information, Congress must adopt better solutions to prevent its abuse. Most important of all, Congress must do a better job of addressing fraud so all the costs don't just fall on the victims.

THE GROWTH IN data loss and identity theft has been driven in large part by technology. Since 1995, the cost of digital storage has declined from roughly $700 to $1 per gigabyte. The processing speed of computer chips increased exponentially over the same period, allowing more data to be stored and managed more cheaply.

So, while you can now wirelessly download music onto your iPod or laptop computer, criminals can target and steal gigabytes of personal data with similar ease. In addition, while you are shopping for everything from groceries to mortgages on the Internet, thieves are shopping for your information. In other words, as your job has been made easier by technology, so has theirs.

Bad guys aren't the only ones trying to hunt you down online, though. As advertisers have sought greater return on their dollar, they are increasingly relying on personal data to target ads based on gender, age, and geography. That trend has driven the growth of companies—such as ChoicePoint and LexisNexis—that amass this information and sell it to the highest bidder, making it valuable information to steal.

The "black helicopter" crowd will also feel vindicated to know that the government is tracking them, too. In June, it was revealed that the Transportation Security Administration's (TSA) new passenger-screening program, Secure Flight, was buying and storing personal information on American citizens and comparing reservation records against commercial databases used by banking, home mortgage, and credit card companies. At the same time, companies as diverse as FedEx, Western Union, and AOL are helping the feds and law enforcement by allowing them to look at portions of their customer and subscriber data.

In some cases, privacy concerns and public outcry have been sufficient to shut down government projects, as with the Defense Department's infamous Total Information Awareness project and the TSA's CAPPS II airline passenger-screening program. But the push to renew the Patriot Act and expand the ability of law enforcement to demand business records without a warrant is a clear sign that government will continue to access personal data to fight the war on terrorism.

And, despite appropriate hand-wringing over the public's privacy rights, Congress has its own dog in the fight. The growing availability of all this personal data has served them well as political campaigns have begun to catch up with modern marketing. The 2004 presidential campaign marked the beginning of the widespread use of consumer data to better target voters in a national political contest. One data broker, Aristotle International, has sold voter information—including your name, address, phone number, size of household, income, and whether you have an "ethnic" surname—to nearly half of the 535 members of Congress.

CONGRESS IS CONSIDERING about a dozen bills regarding consumer data. The proposals—including one introduced by Senator Patrick Leahy after his own data was lost by Bank of America—focus on requiring data vendors to promptly notify consumers when their data is stolen. While this is a logical first step, the benefits of notification are limited. According to one large vendor, less than 4 percent of victims who received notices took advantage of free credit-monitoring after their data was lost. For those who do reply, the protection offered is scant. I replied to Time Warner's notification, but the protection they provided was good for only twelve months. Notification does not limit harm to me if my identity is eventually stolen. Nor does it help me fix my credit or reclaim my identity. The burden of cleaning up the mess becomes the responsibility of victims, with little help from whomever lost the data.

Another problem with the legislation being proposed is that much of it focuses on vendors like ChoicePoint and LexisNexis. In fact, your favorite store, your credit card company, and your alma mater pose equal or greater risks. Of the 47 data-loss incidents in the first half of 2005 reported by the watchdog group Privacy Rights Clearinghouse, universities were the most frequent culprits, followed by companies and the government. And, in terms of the sheer amount of data lost, the financial industry was in a league of its own, losing nearly four times more data—if you include CardSystems, over 25 times more—per incident than retail companies, the next biggest culprits. By comparison, the sins of brokers like ChoicePoint and LexisNexis seem trivial.

Other proposed solutions that seek to give consumers greater control over the use and sharing of their information—akin to the data privacy rules in Europe—are also problematic. To begin with, the number of organizations already in possession of our data is huge, and, for the most part, we gave it to them willingly. So such an approach is really a rear-guard measure. Like it or not, the level of interest by companies and the government to use our personal data for business, marketing, and national security purposes is enormous, legitimate, and, in many ways, desirable. Given the commercial and government interests at stake, significant restrictions on data use in the United States are unlikely.

SO HOW DO we protect data and safeguard identities? BJ's Wholesale Club, which exposed 40,000 customer credit card numbers in March 2004, settled a Federal Trade Commission (FTC) complaint

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by agreeing to bolster security: have outside security audits every other year for the next 20 years, encrypt stored and transported data, set time limits on how long data is stored, and install better wireless security. Congress should take a page from BJ's settlement and push to strengthen security for institutions that handle large amounts of data. While compliance will cost money up front, the investment will help reduce the costs of lost data in the future and increase consumer confidence.

At least one of the bills in Congress envisions giving the FTC an additional $60 million per year to help identity theft victims. But this is a pittance compared with the billions lost to identity theft every year. Congress is also considering allowing consumers to freeze access to their credit reports. Under credit freezes, which are already allowed in a dozen or so states, no new credit can be issued under an individual's name until the consumer lifts the freeze, a much stronger protection than fraud alerts or notification requirements.

But Peter Swire, chief privacy counselor under President Clinton, has suggested what might be the most compelling solution—a $50 cap and automatic dispute resolution for identity theft losses, similar to the basic anti-fraud provisions for credit cards. If a criminal steals your credit card number, the card issuer pays for unauthorized purchases above $50 and investigates disputed charges. Once credit card companies were put on the hook for fraud losses in the 1970s, they found ways to cut fraud dramatically. To be sure, a $50 rule for identity theft would be more difficult. Identity thieves target not only credit cards, but also car loans, home loans, and bank accounts, as well as identification and travel documents. When credit cards are stolen, consumers simply call the issuer of their card. With identity theft, the responsible party is far less clear. The company or agency that lost the data? The institution that made the loan or issued false documents? Credit reporting agencies? Some federal agency?

Although there are challenges in designing such a system for identity theft, the idea is still promising: Have the big organizations in the middle of the system address the fraud, and don't let all the costs fall on innocent victims.

For any solution to work, it must dramatically shift liability to data owners while better protecting consumers. The bills before Congress fail on this front. Business interests want to keep using data to grow profits, and they will continue to lobby in favor of self-regulation, as they have for years. Homeland security officials want to use more data to aid counterterrorism efforts, and politicians want to use more data to win elections. What will it take for Congress to do the right thing? Maybe the best thing that could happen would be for someone to take Leahy's lost data problem one step further and actually steal his identity, too. And, while they're at it, they should also steal Senator Bill Frist's identity—just to ensure bipartisan support. ■

Saving the United States from a totalitarian future.

The Abolition of Torture

BY ANDREW SULLIVAN

WHY IS TORTURE WRONG? It may seem like an obvious question, or even one beneath discussion. But it is now inescapably before us, with the introduction of the McCain Amendment banning all "cruel, inhuman, and degrading treatment" of detainees by American soldiers and CIA operatives anywhere in the world. The amendment lies in legislative limbo. It passed the Senate in October by a vote of 90 to nine, but President Bush has vowed to veto any such blanket ban on torture or abuse; Vice President Cheney has prevailed upon enough senators and congressmen to prevent the amendment—and the defense appropriations bill to which it is attached—from moving out of conference; and my friend Charles Krauthammer, one of the most respected conservative intellectuals in Washington (and a NEW REPUBLIC contributing editor) has written a widely praised cover essay for *The Weekly Standard* endorsing the legalization of full-fledged torture by the United States under strictly curtailed conditions. We stand on the brink of an enormously important choice—one that is critical, morally as well as strategically, to get right.

This debate takes place after three years in which the Bush administration has defined "torture" in the narrowest terms and has permitted coercive, physical abuse of enemy combatants if "military necessity" demands it. It comes also after several internal Pentagon reports found widespread and severe abuse of detainees in Afghanistan, Iraq, and elsewhere that has led to at least two dozen deaths during interrogation. Journalistic accounts and reports by the International Committee of the Red Cross paint an even darker picture of secret torture sites in Eastern Europe and innocent detainees being murdered. Behind all this, the grim images of Abu Ghraib—the worst of which have yet to be released—linger in the public consciousness.

In this inevitably emotional debate, perhaps the greatest failing of those of us who have been arguing against all tor-

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ture and "cruel, inhuman, and degrading treatment" of detainees is that we have assumed the reasons why torture is always a moral evil, rather than explicating them. But, when you fully ponder them, I think it becomes clearer why, contrary to Krauthammer's argument, torture, in any form and under any circumstances, is both antithetical to the most basic principles for which the United States stands and a profound impediment to winning a wider war that we cannot afford to lose.

TORTURE IS THE polar opposite of freedom. It is the banishment of all freedom from a human body and soul, insofar as that is possible. As human beings, we all inhabit bodies and have minds, souls, and reflexes that are designed in part to protect those bodies: to resist or flinch from pain, to protect the psyche from disintegration, and to maintain a sense of selfhood that is the basis for the concept of personal liberty. What torture does is use these involuntary, self-protective, self-defining resources of human beings against the integrity of the human being himself. It takes what is most involuntary in a person and uses it to break that person's will. It takes what is animal in us and deploys it against what makes us human. As an American commander wrote in an August 2003 e-mail about his instructions to torture prisoners at Abu Ghraib, "The gloves are coming off gentlemen regarding these detainees, Col. Boltz has made it clear that we want these individuals broken."

What does it mean to "break" an individual? As the French essayist Michel de Montaigne once commented, and Shakespeare echoed, even the greatest philosophers have difficulty thinking clearly when they have a toothache. These wise men were describing the inescapable frailty of the human experience, mocking the claims of some seers to be above basic human feelings and bodily needs. If that frailty is exposed by a toothache, it is beyond dispute in the case of torture. The infliction of physical pain on a person with no means of defending himself is designed to render that person completely subservient to his torturers. It is designed to extirpate his autonomy as a human being, to render his control as an individual beyond his own reach. That is why the term "break" is instructive. Something broken can be put back together, but it will never regain the status of being unbroken—of having integrity. When you break a human being, you turn him into something subhuman. You enslave him. This is why the Romans reserved torture for slaves, not citizens, and why slavery and torture were inextricably linked in the antebellum South.

What you see in the relationship between torturer and tortured is the absolute darkness of totalitarianism. You see one individual granted the most complete power he can ever hold over another. Not just confinement of his mobility—the abolition of his very agency. Torture uses a person's body to remove from his own control his conscience, his thoughts, his faith, his selfhood. The CIA's definition of "waterboarding"—recently leaked to ABC News—describes that process in plain English: "The prisoner is bound to an inclined board, feet raised and head slightly below the feet. Cellophane is wrapped over the prisoner's face and water is poured over him. Unavoidably, the gag reflex kicks in and a terrifying fear of drowning leads to almost instant pleas to bring the treatment to a halt." The ABC report then noted, "According to the sources, CIA officers who subjected themselves to the waterboarding technique lasted an average of 14 seconds before caving in. They said Al Qaeda's toughest prisoner, Khalid Sheikh Mohammed, won the admiration of interrogators when he was able to last between two and two and a half minutes before begging to confess."

Before the Bush administration, two documented cases of the U.S. Armed Forces using "waterboarding" resulted in courts-martial for the soldiers implicated. In Donald Rumsfeld's post–September 11 Pentagon, the technique is approved and, we recently learned, has been used on at least eleven detainees, possibly many more. What you see here is the deployment of a very basic and inescapable human reflex—the desire not to drown and suffocate—in order to destroy a person's autonomy. Even the most hardened fanatic can only endure two and a half minutes. After that, he is indeed "broken."

THE ENTIRE STRUCTURE of Western freedom grew in part out of the searing experience of state-sanctioned torture. The use of torture in Europe's religious wars of the sixteenth and seventeenth centuries is still etched in our communal consciousness, as it should be. Then, governments deployed torture not only to uncover perceived threats to their faith-based autocracies, but also to "save" the victim's soul. Torturers understood that religious conversion was a difficult thing, because it necessitated a shift in the deepest recesses of the human soul. The only way to reach those depths was to deploy physical terror in the hopes of completely destroying the heretic's autonomy. They would, in other words, destroy a human being's soul in order to save it. That is what burning at the stake was—an indescribably agonizing act of torture that could be ended at a moment's notice if the victim recanted. In a state where theological doctrine always trumped individual liberty, this was a natural tactic.

Indeed, the very concept of Western liberty sprung in part from an understanding that, if the state has the power to reach that deep into a person's soul and can do that much damage to a human being's person, then the state has extinguished all oxygen necessary for freedom to survive. That is why, in George Orwell's totalitarian nightmare, the final ordeal is, of course, torture. Any polity that endorses torture has incorporated into its own DNA a totalitarian mutation. If the point of the U.S. Constitution is the preservation of liberty, the formal incorporation into U.S. law of the state's right to torture—by legally codifying physical coercion, abuse, and even, in Krauthammer's case, full-fledged torture of detainees by the CIA—would effectively end the

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American experiment of a political society based on inalienable human freedom protected not by the good graces of the executive, but by the rule of law.

The founders understood this argument. Its preeminent proponent was George Washington himself. As historian David Hackett Fischer memorably recounts in his 2004 book, *Washington's Crossing*: "Always some dark spirits wished to visit the same cruelties on the British and Hessians that had been inflicted on American captives. But Washington's example carried growing weight, more so than his written orders and prohibitions. He often reminded his men that they were an army of liberty and freedom, and that the rights of humanity for which they were fighting should extend even to their enemies. ... Even in the most urgent moments of the war, these men were concerned about ethical questions in the Revolution."

Krauthammer has described Washington's convictions concerning torture as "pieties" that can be dispensed with today. He doesn't argue that torture is not evil. Indeed, he denounces it in unequivocal moral terms: "[T]orture is a terrible and monstrous thing, as degrading and morally corrupting to those who practice it as any conceivable human activity including its moral twin, capital punishment." But he maintains that the nature of the Islamofascist enemy after September 11 radically altered our interrogative options and that we are now not only permitted, but actually "morally compelled," to torture.

This is a radical and daring idea: that we must extinguish human freedom in a few cases in order to maintain it for everyone else. It goes beyond even the Bush administration's own formal position, which states that the United States will not endorse torture but merely "coercive interrogation techniques." (Such techniques, in the administration's elaborate definition, are those that employ physical force short of threatening immediate death or major organ failure.) And it is based on a premise that deserves further examination: that our enemies actually *deserve* torture; that some human beings are so depraved that, in Krauthammer's words, they "are entitled to no humane treatment."

Let me state for the record that I am second to none in decrying, loathing, and desiring to defeat those who wish to replace freedom with religious tyranny of the most brutal kind—and who have murdered countless innocent civilians in cold blood. Their acts are monstrous and barbaric. But I differ from Krauthammer by believing that monsters remain human beings. In fact, to reduce them to a subhuman level is to exonerate them of their acts of terrorism and mass murder—just as animals are not deemed morally responsible for killing. Insisting on the humanity of terrorists is, in fact, critical to maintaining their profound responsibility for the evil they commit.

And, if they are human, then they must necessarily not be treated in an inhuman fashion. You cannot lower the moral baseline of a terrorist to the subhuman without betraying a fundamental value. That is why the Geneva Conventions have a very basic ban on "cruel treatment and torture," and "outrages upon personal dignity, in particular humiliating and degrading treatment"—even when dealing with illegal combatants like terrorists. That is why the Declaration of Independence did not restrict its endorsement of freedom merely to those lucky enough to find themselves on U.S. soil—but extended it to all human beings, wherever they are in the world, simply because they are human.

NEVERTHELESS, IT IS important to address Krauthammer's practical points. He is asking us to steel ourselves and accept that, whether we like it or not, torture and abuse may be essential in a war where our very survival may be at stake. He presents two scenarios in which he believes torture is permissible. The first is the "ticking bomb" scenario, a hypothetical rarity in which the following conditions apply: a) a terrorist cell has planted a nuclear weapon or something nearly as devastating in a major city; b) we have captured someone in this cell; c) we know for a fact that he knows where the bomb is. In practice, of course, the likelihood of such a scenario is extraordinarily remote. Uncovering a terrorist plot is hard enough; capturing a conspirator involved in that plot is even harder; and realizing in advance that the person knows the whereabouts of the bomb is nearly impossible. (Remember, in the war on terrorism, we have already detained—and even killed—many innocents. Pentagon reports have acknowledged that up to 90 percent of the prisoners at Abu Ghraib, many of whom were abused and tortured, were not guilty of anything.) But let us assume, for the sake of argument, that all of Krauthammer's conditions apply. Do we have a right to torture our hypothetical detainee?

According to Krauthammer, *of course* we do. No responsible public official put in that position would refuse to sanction torture if he believed it could save thousands of lives. And, if it's necessary, Krauthammer argues, it should be made legal. If you have conceded that torture may be justified in one case, Krauthammer believes, you have conceded that it may be justified in many more. In his words, "Once you've established the principle, to paraphrase George Bernard Shaw, all that's left to haggle about is the price."

But this is too easy and too glib a formulation. It is possible to concede that, in an extremely rare circumstance, torture may be used without conceding that it should be legalized. One imperfect but instructive analogy is civil disobedience. In that case, laws are indeed broken, but that does not establish that the laws should be broken. In fact, civil disobedience implies precisely that laws should *not* be broken, and protesters who engage in it present themselves promptly for imprisonment and legal sanction on exactly those grounds. They do so for demonstrative reasons. They are not saying that laws don't matter. They are saying that laws do matter, that they should be enforced, but that their conscience in this instance demands that they disobey them.

In extremis, a rough parallel can be drawn for a president faced with the kind of horrendous decision on which Krauthammer rests his entire case. What should a president

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do? The answer is simple: He may have to break the law. In the Krauthammer scenario, a president might well decide that, if the survival of the nation is at stake, he must make an exception. At the same time, he must subject himself—and so must those assigned to conduct the torture—to the consequences of an illegal act. Those guilty of torturing another human being must be punished—or pardoned ex-post-facto. If the torture is revealed to be useless, if the tortured man is shown to have been innocent or ignorant of the information he was tortured to reveal, then those responsible must face the full brunt of the law for, in Krauthammer's words, such a "terrible and monstrous thing." In Michael Walzer's formulation, if we are to have dirty hands, it is essential that we show them to be dirty.

What Krauthammer is proposing, however, is not this compromise, which allows us to retain our soul as a free republic while protecting us from catastrophe in an extremely rare case. He is proposing something very different: that our "dirty hands" be wiped legally clean before and after the fact. That is a Rubicon we should not cross, because it marks the boundary between a free country and an unfree one.

Krauthammer, moreover, misses a key lesson learned these past few years. What the hundreds of abuse and torture incidents have shown is that, once you permit torture for someone somewhere, it has a habit of spreading. Remember that torture was originally sanctioned in administration memos only for use against illegal combatants in rare cases. Within months of that decision, abuse and torture had become endemic throughout Iraq, a theater of war in which, even Bush officials agree, the Geneva Conventions apply. The extremely coercive interrogation tactics used at Guantánamo Bay "migrated" to Abu Ghraib. In fact, General Geoffrey Miller was sent to Abu Ghraib specifically to replicate Guantánamo's techniques. According to former Brigadier General Janis Karpinski, who had original responsibility for the prison, Miller ordered her to treat all detainees "like dogs." When Captain Ian Fishback, a West Point graduate and member of the 82nd Airborne, witnessed routine beatings and abuse of detainees at detention facilities in Iraq and Afghanistan, often for sport, he tried to stop it. It took him a year and a half to get any response from the military command, and he had to go to Senator John McCain to make his case.

In short, what was originally supposed to be safe, sanctioned, and rare became endemic, disorganized, and brutal. The lesson is that it is impossible to quarantine torture in a hermetic box; it will inevitably contaminate the military as a whole. Once you have declared that some enemies are subhuman, you have told every soldier that every potential detainee he comes across might be exactly that kind of prisoner—and that anything can therefore be done to him. That is what the disgrace at Abu Ghraib proved. And Abu Ghraib produced a tiny fraction of the number of abuse, torture, and murder cases that have been subsequently revealed. The only way to control torture is to ban it outright. Everywhere. Even then, in wartime, some "bad apples" will always commit abuse. But at least we will have done all we can to constrain it.

KRAUTHAMMER'S SECOND CASE for torture is equally unpersuasive. For "slow-fuse" detainees—high-level prisoners like Khalid Sheikh Mohammed with potentially, if not immediately, useful intelligence—Krauthammer again takes the most extreme case and uses it to establish a general rule. He concedes that torture, according to almost every careful student and expert, yields highly unreliable information. Anyone can see that. If you are screaming for relief after a few seconds of waterboarding, you're likely to tell your captors anything, true or untrue, to stop the agony and terror. But Krauthammer then argues that, unless you can prove that torture *never* works, it should always be retained as an option. "It may indeed be true that torture is not a reliable tool," he argues. "But that is very different from saying that it is *never* useful." And if it cannot be deemed always useless, it must be permitted—even when an imminent threat is not in the picture.

The problem here is an obvious one. You have made the extreme exception the basis for a new rule. You have said that, if you cannot absolutely rule out torture as effective in every single case, it should be ruled in as an option for many. Moreover, if allowing torture even in the "ticking bomb" scenario makes the migration of torture throughout the military likely, this loophole blows the doors wide open. And how do we tell good intelligence from bad intelligence in such torture-infested interrogation? The short answer is: We cannot. By allowing torture for "slow-fuse" detainees, you sacrifice a vital principle for intelligence that is uniformly corrupted at best and useless at worst.

In fact, the use of torture and coercive interrogation by U.S. forces in this war may have contributed to a profound worsening of our actionable intelligence. The key to intelligence in Iraq and, indeed, in Muslim enclaves in the West, is gaining the support and trust of those who give terrorists cover but who are not terrorists themselves. We need human intelligence from Muslims and Arabs prepared to spy on and inform on their neighbors and friends and even family and tribe members. The only way they will do that is if they perceive the gains of America's intervention as greater than the costs, if they see clearly that cooperating with the West will lead to a better life and a freer world rather than more of the same.

What our practical endorsement of torture has done is to remove that clear boundary between the Islamists and the West and make the two equivalent in the Muslim mind. Saddam Hussein used Abu Ghraib to torture innocents; so did the Americans. Yes, what Saddam did was exponentially worse. But, in doing what we did, we blurred the critical, bright line between the Arab past and what we are proposing as the Arab future. We gave Al Qaeda an enormous propaganda coup, as we have done with Guantánamo and Bagram, the "Salt Pit" torture chambers in Afghanistan,

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and the secret torture sites in Eastern Europe. In World War II, American soldiers were often tortured by the Japanese when captured. But FDR refused to reciprocate. Why? Because he knew that the goal of the war was not just Japan's defeat but Japan's transformation into a democracy. He knew that, if the beacon of democracy—the United States of America—had succumbed to the hallmark of totalitarianism, then the chance for democratization would be deeply compromised in the wake of victory.

No one should ever underestimate the profound impact that the conduct of American troops in World War II had on the citizens of the eventually defeated Axis powers. Germans saw the difference between being liberated by the Anglo-Americans and being liberated by the Red Army. If you saw an American or British uniform, you were safe. If you didn't, the terror would continue in different ways. Ask any German or Japanese of the generation that built democracy in those countries, and they will remind you of American values—not trumpeted by presidents in front of handpicked audiences, but *demonstrated* by the conduct of the U.S. military during occupation. I grew up in Great Britain, a country with similar memories. In the dark days of the cold war, I was taught that America, for all its faults, was still America. And that America did not, and constitutively could not, torture anyone.

If American conduct was important in Japan and Germany, how much more important is it in Iraq and Afghanistan. The entire point of the war on terrorism, according to the president, is to advance freedom and democracy in the Arab world. In Iraq, we had a chance not just to tell but to show the Iraqi people how a democracy acts. And, tragically, in one critical respect, we failed. That failure undoubtedly contributed to the increased legitimacy of the insurgency and illegitimacy of the occupation, and it made collaboration between informed Sunnis and U.S. forces far less likely. What minuscule intelligence we might have plausibly gained from torturing and abusing detainees is vastly outweighed by the intelligence we have forfeited by alienating many otherwise sympathetic Iraqis and Afghans, by deepening the divide between the democracies, and by sullying the West's reputation in the Middle East. Ask yourself: Why does Al Qaeda tell its detainees to claim torture regardless of what happens to them in U.S. custody? Because Al Qaeda knows that one of America's greatest weapons in this war is its reputation as a repository of freedom and decency. Our policy of permissible torture has handed Al Qaeda this weapon—to use against us. It is not just a moral tragedy. It is a pragmatic disaster. Why compound these crimes and errors by subsequently legalizing them, as Krauthammer (explicitly) and the president (implicitly) are proposing?

Will a ban on all "cruel, inhuman, and degrading treatment" render interrogations useless? By no means. There are many techniques for gaining intelligence from detainees other than using their bodies against their souls. You can start with the 17 that appear in the Army Field Manual, tested by decades of armed conflict only to be discarded by this administration with barely the blink of an eye. Isolation, psychological disorientation, intense questioning, and any number of other creative techniques are possible. Some of the most productive may well be those in which interrogators are so versed in Islamic theology and Islamist subcultures that they win the confidence of prisoners and pry information out of them—something the United States, with its dearth of Arabic speakers, is unfortunately ill-equipped to do.

ENEMY COMBATANTS NEED NOT be accorded every privilege granted legitimate prisoners of war; but they must be treated as human beings. This means that, in addition to physical torture, wanton abuse of their religious faith is out of bounds. No human freedom is meaningful without religious freedom. The fact that Koran abuse has been documented at Guantánamo; that one prisoner at Abu Ghraib was forced to eat pork and drink liquor; that fake menstrual blood was used to disorient a strict Muslim prisoner at Guantánamo—these make winning the hearts and minds of moderate Muslims far harder. Such tactics have resulted in hunger strikes at Guantánamo—perhaps the ultimate sign that the coercive and abusive attempts to gain the cooperation of detainees has completely failed to achieve the desired results.

The war on terrorism is, after all, a religious war in many senses. It is a war to defend the separation of church and state as critical to the existence of freedom, including religious freedom. It is a war to persuade the silent majority of Muslims that the West offers a better way—more decency, freedom, and humanity than the autocracies they live under and the totalitarian theocracies waiting in the wings. By endorsing torture—on anyone, anywhere, for any reason—we help obliterate the very values we are trying to promote. You can see this contradiction in Krauthammer's own words: We are "morally compelled" to commit "a terrible and monstrous thing." We are obliged to destroy the village in order to save it. We have to extinguish the most basic principle that defines America in order to save America.

No, we don't. In order to retain fundamental American values, we have to banish from the United States the totalitarian impulse that is integral to every act of torture. We have to ensure that the virus of tyranny is never given an opening to infect the Constitution and replicate into something that corrupts as deeply as it wounds. We should mark the words of Ian Fishback, one of the heroes of this war: "Will we confront danger and adversity in order to preserve our ideals, or will our courage and commitment to individual rights wither at the prospect of sacrifice? My response is simple. If we abandon our ideals in the face of adversity and aggression, then those ideals were never really in our possession. I would rather die fighting than give up even the smallest part of the idea that is 'America.' " If we legalize torture, even under constrained conditions, we will have given up a large part of the idea that is America. We will have lost the war before we have given ourselves the chance to win it. ■

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BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Middle East, Middle West

OIL. THE WORD RECURRED constantly in stories about the Middle East when the Iraq war began. Twice I saw television hosts impatiently brush away the subject of oil when guest experts mentioned it, as if it were too banal a topic, too frequently used to explain military and political moves in the region. Lately, however, oil seems to have receded in Middle East reportage and discussion. Now here is **SYRIANA**, which takes place in several Arab countries (along with other places) and has a thick plot whose text and subtext are oil. Iraq is never mentioned, but it is there. Apparently the film leaves it to the viewer's assumption that any story about oil in this region must implicate Iraq.

SYRIANA
(Warner Bros.)

THE ICE HARVEST
(Focus)

Syriana was written—and directed—by Stephen Gaghan, who wrote the very substantial *Traffic* five years ago. (Syriana, we've been told, is a term that was coined to tag the Middle East countries as a group.) The film is based on the memoirs of Robert Baer, a former CIA agent. George Clooney plays such an agent, and the tenor of his experience is established very early. The first sequence is in Tehran where, after conferring with several local men, Clooney walks down the street toward us. About twenty yards behind him a car blows up. Clooney doesn't even turn around; he just keeps on walking calmly.

The story quickly—well, not *very* quickly—quadruples. Besides the Clooney character, who is a bit worn by grim experience, the film has three other leading persons. Jeffrey Wright plays a Washington lawyer whose firm assigns him to deal with an important merger between two American oil companies. Matt Damon is a financial analyst who lives in Geneva with his family. Through a strange series of events he becomes adviser to an Arab prince eager to succeed his father as emir of an unnamed oil-soaked country. Mazhar Munir plays a Pakistani laborer in an Iranian oil field, living in the warren of a laborers' compound, who in frustration about the way his employers treat him and others turns to radical Islam. One novelty in the screenplay is that these four stories are not eventually connected, as we might expect. What explains their coursing in parallel lines is that, in four different ways, they are all connected with oil.

So there are four principal lines of action. Clooney is given a fresh mission in the Middle East, where he is kidnapped and tortured for information. (An unsparing scene.) He manages to get back to Washington and has reason to confront a hugely powerful figure (Christopher Plummer) whose fingers are in the petroleum pie. Damon finds himself exhorting and scolding his Arab employers for their medieval ways and at the end is accidentally—and unknowingly—involved in an action against Clooney. Wright goes to Texas to deal with a convocation of industry biggies. There and elsewhere—several elsewheres—he carries confidence like a banner. Munir's proletarian is fired by radical Islam in a spiritualized yet more violent version of the way that proletarians of the 1930s were fired by communism.

Numerous other actors provide vivid sketches of Arab and American figures encountered along the route. This multiplicity—of people, stories, settings—is both the weakness and strength of the film. It is not easy to follow all the various threads, to get the pith of every scene. Still, this very abundance gives the whole picture a sense of authority. It pours and pours so much in front of us that we feel the makers of the picture must know what they are talking about.

Part of our receptivity to this picture comes from our hunger for insight about the current war. To repeat: Iraq is never mentioned, but the atmosphere of the picture, its hugger-mugger about oil, seems related in tenor to the current official camouflage about Iraq. Another part of our receptivity comes from the recent rash of dirty dealings at high levels—Enron, etc. No sentient person could ever have imagined that huge corporations were run by saints, but what has happened in the last few years helps us to believe the mutterings and taciturn exchanges among tycoons in this film. None of the doings by American oil men is overtly illegal, but all of them seem sly.

Clooney, bearded and heavy, creates his underwritten role himself with his authenticating presence. Damon continues to rise out of his pleasant American-boy persona into authority. Wright is so forcefully assured as the lawyer that he needs to spend no time in contriving that assurance. Munir is frightening. Plummer is, as always, magnificent.

Alexandre Desplat's score is so effective that, at times, if we wonder why a scene is holding us, we recognize that the music is helping. The general level of cinematography these days has risen so high that it is possible to take Robert Elswit's fine work for granted. Tim Squyres, the editor, must have been one of the busiest people on the planet while he was editing *Syriana*: he had to keep the complex film speedy without being curt. In general he succeeds. Gaghan, we're told, spent much time in the Arab world while he was writing this picture, and his directing bespeaks familiarity.

At the finish *Syriana* impresses, not because it is very moving, which it isn't, or because it is crystal clear, which it also isn't, but because it is so large, so encompassing, so seemingly privy to inside stuff—about the way the Middle East is being manipulated behind our backs and over our heads. At the end we feel that we didn't know we wanted this film and are glad that our unconscious wish was granted.

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A painful number of films belong, whatever their subject, in the "Why?" genre. Soon after one of them begins, we begin to wonder why it was made. Why did anyone ever think it had any value, intrinsically or commercially? Many a clunky film lies outside this genre because we can see why someone thought—mistakenly—that it had value of some kind. But the "Why?" category is something else. The latest instance is **THE ICE HARVEST**.

Reputable people were involved. The co-author of the screenplay, derived from a Scott Phillips novel, was Robert Benton who, from *Bonnie and Clyde* onward, has been involved in notable pictures. The director was Harold Ramis who made the clever *Groundhog Day* and the funny *Analyze This*. *The Ice Harvest* was apparently meant to be a clever and funny black comedy.

It takes place on Christmas Eve in Wichita, Kansas. A crooked lawyer (John Cusack) steals a couple of million in cash at the start—scanty explanation of how or from whom—but he and his partner (Billy Bob Thornton) cannot drive away with their loot because of an ice storm. Nonetheless, they spend the night driving around Wichita, getting into a lot of tangles, including murder. The whole story smells of feverish manufacture. It includes that boring cliché, the scene in which a couple of men in a nightclub discuss serious business while strippers undulate behind them. It also includes a reminder of the final murder in *Prizzi's Honor* when a man shoots the woman he is embracing.

Black comedy? Black enough, but they muffed the other word. Robert Benton and Harold Ramis, put on dunce caps and go stand in the corner. ■

ROBERT BRUSTEIN ON THEATER

Making the Familiar Strange

HERE ARE FOUR PRODUCTIONS typical of what has been showing in New York these days—not so much new faces, as a variety of familiar faces freshened with new nips and tucks.

One such re-worked old friend is the Wooster Group, which recently produced an evening of theatrical replications called **POOR THEATRE** (at the Performing Garage). The title is from Jerzy Grotowski, and the first half of this "Series of Simulacra" was a simulation of this avant-garde director's work with the Polish Laboratory Theatre. But the Wooster Group reproduction was poor neither in its quality nor in its means. The effort, like all the company's work, was executed with total commitment and great expertise, achieving its results through highly intricate (and one must assume) costly technical equipment. But I think a few of us were wondering, why go to the expense?

POOR THEATRE
(Performing Garage)

THIRD
(Mitzi E. Newhouse Theater)

SWEENEY TODD
(Eugene O'Neill Theater)

THE WINTER'S TALE
(Harvey Theater)

I ask the question out of great respect for this inventive postmodern institution and for its uncompromising director, Elizabeth LaCompte. The Wooster Group has usually remained steadfast to a single artistic purpose, which is to subject familiar American plays (such as *Our Town* and *The Hairy Ape*) to radical deconstruction, often by means of video and film. This has often had the effect of oiling their arthritic joints, making them more springy and accessible.

With *Poor Theatre*, the group departed from that purpose, applying its high-tech wizardry not to classic American plays but to European production companies—first, Grotowski's long-defunct company, and then (following a brief coda paying tribute to Max Ernst) William Forsythe's Ballett Frankfurt. The result was a plausible example of what Lionel Abel called "Metatheatre," wherein dramatic art starts feeding on itself, analyzing its own methods and techniques.

A central element of Metatheatre is self-consciousness—actors aware of being on a stage. This finds a precedent in Pirandello, particularly his *Six Characters in Search of an Author*, but it can be found in classical theater as well. Shakespeare's Cleopatra is appalled over how she might some day be depicted in a theater, ogled by "mechanic slaves" in "greasy aprons, enacted by some "squeaky Cleopatra boy." Indeed, it could even be argued that Cleopatra commits suicide not because she loses Antony but because she hates the thought of appearing in a Shakespeare play.

In *Poor Theatre*, on the other hand, the actors seem perfectly content to be the locus of audience attention, both as the observed and as observers. On a stage tricked out with three television monitors, four kleig lights, and a visible stage manager's booth, these five admittedly fine performers, led by the incomparable Kate Valk and the dynamic Scott Shepherd, sat viewing a grainy documentary of Grotowski's Polish Laboratory Theatre called "Opole/New York." As they watched the screen, the screen watched them, or at least their lighting designer (Jennifer Tipton) did, sitting sphinx-like on the edge of the videotape. The company had previously paid its respects to Grotowski during a visit to Wroclaw in 2003. Now the actors respectfully re-enacted, in well-inflected Polish, the last twenty minutes of Grotowski's *Akropolis*—a study of Nazi death camps through the medium of Greek tragedy.

The exercise illustrated not only the rich imagination of Metatheatre but also its sometimes stifling claustral atmosphere. Grotowski's *Akropolis* concludes with a reference to how the death-camp prisoners turned to ashes in the crematoria: "They went, and only the smoke remains." The Wooster Group simulation seemed focused less on the sufferings of the victims than on the aesthetics of the smoke, distancing the experience with a recording of "Smoke Gets in Your Eyes."

"Why would you want to do that?" asked one actor. "That's a good question," another replied, "I don't know."

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One problem with the evening was this question was never answered. *Poor Theatre* seemed to have no purpose other than to pretend. After pretending to be Max Ernst doing rubbings of a parquet floor and discovering "the floorness of the floor was gone," the Wooster Group then pretended to be the Frankfurt Ballett. This exercise was based on another documentary film (this one by Mike Figgis) about an American choreogapher who has developed such a strong dislike for the institutionalization of his work that he has only once appeared in this country. The dance steps were perfectly executed by the live actors, who examined "flow alignment" and "shape alignment" in specific movement and abstract language, while Forsythe, not so much a talking head as a talking foot, supplied the narration on television.

There was much to admire about these impersonations. But too often the company seemed to be marking time until its next idea. There were moments when this imitation of an imitation (how Plato would have recoiled!) looked like what the Wooster Group itself has called "cultural tourism." It showed how easily Metatheatre can become Meta-Narcissism, actors looking at themselves in an endlessly reflecting mirror.

Wendy Wasserstein's new play, **THIRD** (at Lincoln Center's Mitzi E. Newhouse Theater) is also about narcissism, seen from the perspective of the observer rather than the observed. I believe the play to be a real step forward for this playwright, largely because she has managed to put her considerable wit at the service of an important cultural idea. *Third* is the first play I know to examine, without fear or favor, how those ongoing hostilities known as the culture wars are managing to polarize contemporary American life.

We shouldn't be surprised that Wasserstein's action takes place on a liberal New England college campus, higher education being one of the major battlefields in those wars. At first glance, *Third* seems to represent a clear-cut conflict between the blue state of mind, represented by a professor of literature named Laurie Jameson (Dianne Wiest), and the red state of mind embodied in her student Woodson Bull III (Jason Ritter), a young Midwestern jock who prefers to be called "Third." The surface, however, is deceptive. Although a sensitive and intelligent woman, Laurie manages to misconstrue everything. Her mind locked up tight by thirty years of feminist dogma and gender studies, Laurie sees only Third's WASP Republican exterior, thereby wrongly assuming that he is privileged; second, that he is insensitive; and finally, that he must have plagiarized a brilliant paper on the psychosexual nature of *King Lear*.

This befuddled student-teacher relationship (vaguely reminiscent of Lionel Trilling's short story "Of This Time, Of That Place") is the spine of the plot. But there is another plot embedded in the work, that of *King Lear*, which becomes almost a structural element of the action. The play begins in Laurie's classroom with a familiar deconstructionist lecture on how, since Lear is a selfish representative of the dominant male culture, Goneril and Regan are the true heroines ("the girl daughter Cordelia was a masochistic simp"). Thus, Laurie crusades to eliminate racist, sexist, and classist prejudices from literature and life.

But although she will soon try to place a human sacrifice on the altar of political correctness, Laurie is not just a feminist stereotype. She is a genuinely sympathetic and suffering human being, hormonally deprived, continually ventilating herself against hot flashes—indeed, the play may be as much about menopause as it is about politics. The playwright has set the action during the time of the "shock and awe" invasion of Iraq in order to show how Laurie suffers the same sense of displacement as the rest of us. Her own generation used to fight for sexual and racial equality. Lacking clear definitions, a victim of "the untethered times we live in," Laurie's mind hardens into left-wing ideology, not unlike the way the religious right dogmatizes away the doubts and ambiguities of modern life.

But Laurie hasn't challenged her own radical thinking in thirty years. Alienated from her husband, a political science professor who is now lifting weights and hanging out with bikers, she has few friends, aside from a female colleague (Amy Aquino) with breast cancer. Her closest relationship is with her father (Charles Durning), but he is suffering from senile dementia. He sometimes fails to recognize her and often runs away from his nursing home. In an extremely affecting meeting that recalls Lear's reconciliation with Cordelia, Laurie finds the derelict old man sitting in front of a convenience store. He asks for her forgiveness. It has been storming, but the rain has stopped, and the stars are out.

In the final scene, it is Laurie who must forgive and forget, and try to kill her own rage. She comes to apologize to Third, who has lost his scholarship as a result of the plagiarism charges, and is transferring to another university. "I thought I could change the world," she says, "and all I did change was the English Department." The scene, dripping with regret and remorse, threatens to become soggy. It is saved by Wasserstein's dry-eyed sensibility.

The director, Daniel Sullivan, obviously has a powerful feeling for this play, and as a result has supervised a powerful production. *Third* has been handsomely and economically designed by Thomas Lynch, and is superbly acted by all the participants, especially Charles Durning, vague, vacant, vagrant, almost transparent in his old age. Also strong are Amy Aquino as Laurie's cancer-ridden friend who chooses life and love over ideology, Gaby Hoffmann as Laurie's independent daughter, and Jason Ritter as Third, the young student who has lost his innocence in wars he never wanted to fight. I have a feeling that Wasserstein originally intended Laurie to be Jewish, but Dianne Wiest, her face furrowed like a sour pomegranate, harrowed with doubt, creates such a persuasive generic feminist that she breaks all ethnic barriers.

The final two productions under review are familiar works gussied up by two adventurous British directors. The first is John Doyle's version of Stephen Sondheim's classic, which some believe his masterpiece, **SWEENEY TODD** (at the Eugene O'Neill). When first produced in 1979, this Grand Guignol tale about a demon barber and his female accomplice was a real relief after the wholesome cowboys and Swiss yodelers of Rodgers and Hammerstein. After all, how often do you get to see people in a Broadway musical having their throats cut and their body parts stuffed into meat pies? It is a pleasure to find *Sweeney Todd* onstage again, especially in this imaginative production. Sondheim's lyrics remain as ingenious and unexpected as ever, and, although his music sometimes swings too wildly from ditty to dissonance, the opening number ("The Ballad of Sweeney Todd") still

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has the capacity to freeze your vertebrae. There are also problems with the book, which runs out of plot too early, allowing the audience to get ahead of it by the middle of the second act. But *Sweeney Todd* remains one of the most daring musicals in Broadway history.

Doyle's London-originated production also runs out of ideas too early, but it is a galvanic piece of stagecraft. Performed by ten first-rate triple-threat actors (they not only act and sing, but play musical instruments), this music-hall musical races along in front of a simple setting designed by the director. The primary scenic element is a huge vertical armoire upstage containing a large number of used and unused props. The major piece of furniture is a black coffin that also serves as a table, a judge's bench, and a barber chair. All the dialogue and songs are delivered directly to the audience, and all the stage lights are exposed, with the characters using flashlights in the more intimate scenes.

The cast, beginning with Michael Cerveris's bald-pated, pasty-faced, hollow-eyed Sweeney—skulking, slinking, stalking, like the somnambulist in *The Cabinet of Doctor Caligari*, is flawless. Patti LuPone as Mrs. Lovett, the cheerful baker of meat pies, burps her tuba, wiggles her ample behind, shakes her flapper hairdo, and warbles her songs through a mouth resembling a cruel red wound. Mark Jacoby's Judge Turpin, on trumpet, is so smarmy that we rejoice when his throat is cut. Lauren Molina, playing Sweeney's blonde daughter, Johanna, enhances her ingénue innocence with her cello. Diana Dimarzio is as mournful as her clarinet in the part of the Beggar Woman. And Alexander Gemignani on trumpet and piano contributes a sinister insouciance as the Beadle. After *Chicago* and *Urinetown*, I suppose it is no longer any novelty to find high Brechtian theatricalism on the Broadway stage. But Sweeney's moral that "the history of the world ... is who gets eaten and who gets to eat" is still not often heard in commercial theater. Perhaps the runaway success of this *Sweeney Todd* will persuade producers that it is sometimes profitable to look on the dark side.

There is room only for a few concluding words about the production of **The Winter's Tale** at BAM's Harvey Theater. It has been staged by Edward Hall, another figure in the directorial revolution now occurring on the English stage. Like his *Henry VI* cycle with the Chicago Shakespeare Theater, like his *Midsummer Night's Dream* with his own Propeller Theatre, indeed like many Shakespeare productions in England these days (especially those directed by Mark Rylance and Sam Mendes), this *Winter's Tale* has an all-male cast. Why this growing tendency to lock actresses out of Shakespeare's female roles?

One purpose, of course, is to restore the original conditions of the Elizabethan stage. But perhaps another unintended result is to show the artificiality of sexual roles. It may be shocking at first to see Hermione with chest hairs and Perdita with balls, but after a while, that condition seems perfectly natural. The centerpiece of the production is Leontes's son, Mamilius, who dies in the Act III, only to return as Leontes's daughter Perdita. "She" is there not only to marry Florizel, but to witness the reincarnation of "her" mother, Hermione, a particularly hair-raising scene in which this statue comes to life and reconciles all the strange proceedings of the action. That the female statue is a man in woman's clothing sheds a bizarre light on an already pretty bizarre play. Yet it well serves one of the fundamental purposes of theater, which is to make the familiar strange. ■

Jed Perl on Art

North and South

MEMLING'S PORTRAITS
(The Frick Collection)

FRA ANGELICO
(The Metropolitan Museum of Art)

Through one of those convergences of events that are all the happier for being utterly unplanned, New York is now host to two extraordinary exhibitions of fifteenth-century painting: "Memling's Portraits" at the Frick Collection, and an overview of Fra Angelico's work at the Metropolitan Museum of Art. Neither show is large, and in each case we find only a partial view of the artist's achievement, some glimpses into the gentle sobriety of Memling's portraits and the sweet buoyancy of Fra Angelico's madonnas and saints. In New York, which is home to one of the most exacting museumgoing audiences in the world, these exhibitions are being embraced as a delicious challenge, because even these partial views push the audience to make all kinds of discriminations. Many of the works on display are fragments of larger works; some are in less than the best state of preservation; and certain questions—ranging from attributions to the identities of portrait subjects to the symbolic or iconographic import of certain elements—remain, and will perhaps always remain. The work of these artists suggests both enigma and revelation—and the museumgoer is thrust into the double role of investigator and aesthete. ("Memling's Portraits," organized by Till-Holger Borchert, is at the Frick through December 31; it has already been seen in Madrid and Bruges. The Fra Angelico show, organized by Laurence Kanter and Pia Palladino, closes on January 29.)

Who is Memling? Who is Fra Angelico? These are questions to which museumgoers will not have any definitive answers as they leave the exhibitions. While there are paintings on display that reveal both artists in full command of their gifts—especially Memling's *Diptych of Maarten van Nieuwenhove*, and Angelico's *Dormition and Assumption of the Virgin*—these exhibitions do not exactly showcase the mastery of large-scale figure composition that was at the heart of the Renaissance enterprise. We see neither Memling's Saint Ursula casket, with its plush, fairy tale world, nor Fra Angelico's dazzling *Coronation of the Virgin*. Even if these works were present, however, Memling and Angelico would not reveal themselves in the sense that Michelangelo and Rembrandt sometimes seem to do: we are in the fifteenth century, before the cult of the artist as a personality had taken hold, although Jan van Eyck was already regarded as

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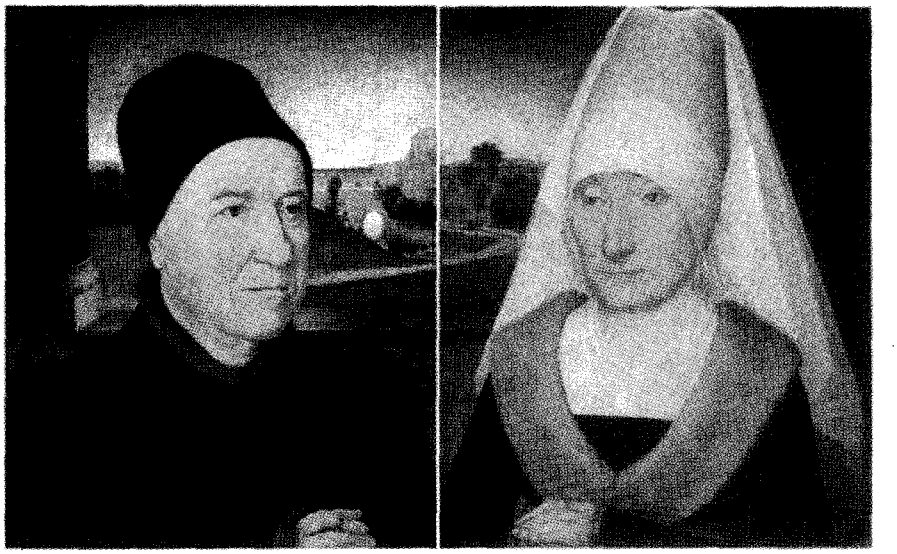
a sort of mythic individual. We do not go to these exhibitions for an experience in autobiography. (There is the Van Gogh drawings show for that, also at the Metropolitan.)

Even the bare facts of Memling's and Angelico's lives are mysterious. We do not know when Memling, who died in 1494, was born. The years before his appearance in Bruges in the 1460s are hazy, although it is certain that he was born near Mainz and was employed by Rogier van der Weyden in Brussels. And likewise the early life of Angelico, who died in 1455, is full of mysteries. The biographical problems that confront scholars may, in some curious way, tie into the fascination that these artists have for the public, which finds something soothing in their shared tendency to shy away from any suggestion of a vehement individuality. In the catalogue of the Memling show, Lorne Campbell makes the interesting comment that "Memling does not seem to have wanted to probe the personalities of his subjects, who may have preferred not to be probed." This speculation rightly suggests that the aura of cool composure and serene reasonableness that pervades the art of the fifteenth century is grounded in a double sense of consciousness, as something to be awakened and as something to be suppressed.

OF COURSE, THERE IS ARTISTIC personality aplenty in these painters, only it is personality that is not so much a subject of the painting as it is a climate, a temperature that is suffused through the work, drawn deep into each element. And if a certain elusiveness clings to these impeccably organized shows, this absence of an over-arching "I" can have its advantages, as it pushes all sorts of other matters to the fore. "Memling's Portraits" is in some sense less about Memling than it is about his subjects, many of whom came from the rising merchant class that shaped Bruges, where he worked. The predominance of predella panels and other small-sized figure compositions in the Angelico exhibition makes the show feel sometimes less like an exploration of a particular Christian artist than like an exploration of Christianity. And to the extent that Memling's portraits reflect the artistic sensibility of Bruges and Fra Angelico's work is saturated with the spirit of Florence, the pairing of these two exhibitions can leave visitors reflecting on an ancient and still enduring idea of Renaissance art—and maybe all European art—as divided between two spirits, the North and the South.

The conjunction of the exhibitions also encourages us to consider broader themes in the art of the fifteenth century, North *and* South. A sense of decorum—of style as an expression of good manners and even of contentment—animates the art of both Memling and Angelico. Nowhere in their work does one find the taste for the grotesque, the outlandish, the outrageous, and the hilarious that bubbled up as a carnivalesque expression of the unruly medieval id. Where Memling and Angelico do evoke the spirit of the Middle Ages, it is in the elegant restraint of courtly life and chivalric aspirations, which mixed with the rational and empirical spirits of Florence and Bruges to establish a new form of expression—a decidedly bourgeois elegance. This is self-evident in Memling's portraits. It is also, I think, a factor in Angelico's religious art, which has about it an ecstatic mildness, a reasoned spirituality that would have appealed to Florence's mercantile class. The splendor of Angelico's largest altarpieces, with their expanses of gold and their supercharged blues and pinks, humanizes the barbaric splendor of Byzantine mosaic; his saints and angels, with their delicately wrought features, project naturalistic experience into the supernatural realm.

In the world of Memling and Angelico, individualism is not so much a personal revelation as it is a public assertion, and Memling's portraits are one of the fullest expressions imaginable of this attitude. Going through the show at the Frick, we are brought thrillingly close to these men and women, many young and a few old. We are aware of the quality of their skin and their hair, the set of their mouths and eyes, the cut of their clothes and the finery that they wear. Memling moves with a professional dispassion from the extraordinarily beautiful to the fairly attractive to the downright funny-looking. This artist, who in paintings of madonnas and female saints can weave a delicate fantastical mood, emerges in his portraits as a fearsomely cool analyst of physiognomies. There is very little of the lyricism or the speculative charm that animates the portraits of Jan van Eyck and Rogier van der Weyden.



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MEMLING, *Portrait of an Elderly Couple,* circa 1470–1475

Memling brings even to subjects with poetical good looks—such as the young man at prayer in the painting in the Thyssen-Bornemisza collection—a chilly equanimity, so that we are left wondering what a more empathetic portraitist, such as Titian, would have done with this fellow. That portrait panel, by the way, has on its reverse side one of the great treats of the show, a still life of columbines, irises, and lilies in a maiolica jug. The bouquet is wrapped in a moody chiaroscuro, an atmosphere so palpable, so emotionally fraught, as to give the image's symbolic associations, with Mary's

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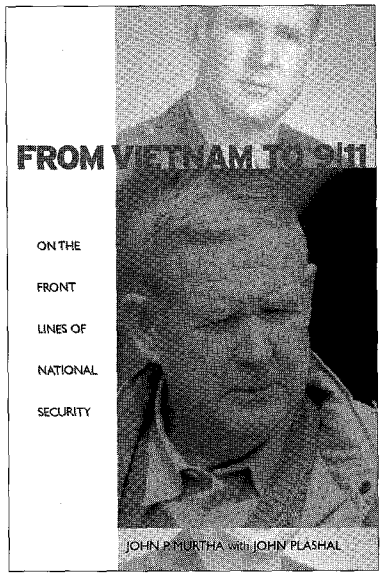
joy and sorrow, a startling immediacy. While the show has its share of masterworks, there is generally something implacable and almost inexpressive about Memling's work as a portraitist, and this can be a little alienating. Memling gives us the truth and nothing but the truth, but the truth is smoothly, even blandly executed. The very intentness of his regard announces the birth of the official portrait; the painter's opinion of the sitter is of little consequence.

In a certain number of cases, it is known who these men and women were. The rather homely looking Gilles Joye was a famous singer and composer who was notorious in Bruges for running up huge debts, and yet one's awareness of these biographical facts does not make his physiognomy any more revealing. The seven-eighths view that Memling often favored, with the sitter's eyes looking away from us, is engineered to express reticence. And Joye's rather blank eyes, firmly set mouth, and hands fixed in prayer suggest neither the passion of the musician nor that of the big spender. There is a tough professional quality about Memling's naturalism; his work resists our psychological curiosity to an extraordinary degree. No wonder that one exquisite portrait of a young woman has been known simply as the *Sibyl*; and this is a sibyl who has none of the imperious flirtatiousness that Leonardo brings to his mysterious ladies. It is perhaps only in Memling's portraits of Tommaso and Maria Portinari—treasures of the Metropolitan Museum of Art that could not make the trip down Fifth Avenue owing to the terms under which they were given to the museum—that the artist warms to his subjects. These are relatively early works, which may suggest that Memling was not quite yet the seasoned, disinterested professional portraitist that he would become. And it may also be significant that Tommaso Portinari, an Italian living in Bruges, was a famous connoisseur and collector who commissioned works from Hugo van der Goes as well as Memling, which could suggest that he and Memling had a closer relationship than the artist had with many of his sitters.

Much of the fascination of Memling's portraits rests in the way that his representational virtuosity is reined in by an implacable formal intelligence. There is something hieratic about the frankly planar design of the rectangle of the painting, with its crisp outlines and broad areas of relatively flat color. In a portrait of a man in a red hat, Memling brings a shot of formalist glee to the way that the man's head is topped, almost corked, by the exclamation point of his tall hat. Most of Memling's portraits are quite abstractly conceived, in terms of the simple arrangement of a few large shapes that are generated by the dark forms of a tunic or a hat or an abundance of hair, or the blue sky, or the framing device of a window or a ledge. Even the subject's face and hands tend to register as essentially simple shapes, as lighter forms amid the darker forms, as forms on which features are inscribed with a precision that is not so much painterly as it is graphic. When there is a lush green landscape behind the figure, this too can register as a singular colored shape, which is gently elaborated with trees, fields, buildings, roads. In the portraits of women with veiled hats, the translucent material creates another abstract shape, another form of containment for the face. And even when the composition is relatively complex—as in the *Diptych of Maarten van Nieuwenhove*, where the figures are enveloped by an interior ringed with shutters and stained glass windows—the shapes of clothing, clearly and relatively flatly articulated, have a puzzle-like power.

MANY PEOPLE WHO SEE BOTH the Memling show and the Fra Angelico show will notice echoes and affinities in the elegance with which these two fifteenth-century artists lock three-dimensional illusions into planar patterns. They are both working a generation or more after the idea of a painting as a window has transformed the very nature of pictorial space. And if their delight in the naturalistic possibility, with its deep recession, often seems to be modified by a nostalgia for older and more purely decorative forms—for the world of the illuminated manuscript, with its opulent, emblazoned surface—it is the effort to resolve these conflicting allegiances that gives their work its delightful, and sometimes painstaking, equilibrium. Erwin Panofsky, in the closing pages of *Early Netherlandish Painting*, evinces little patience for Memling, whom he finds timid after van Eyck and van der Weyden. And one could perhaps say the same of Fra Angelico, at least in comparison to the sculptural radicalism of Masaccio.

Murtha Speaks Out



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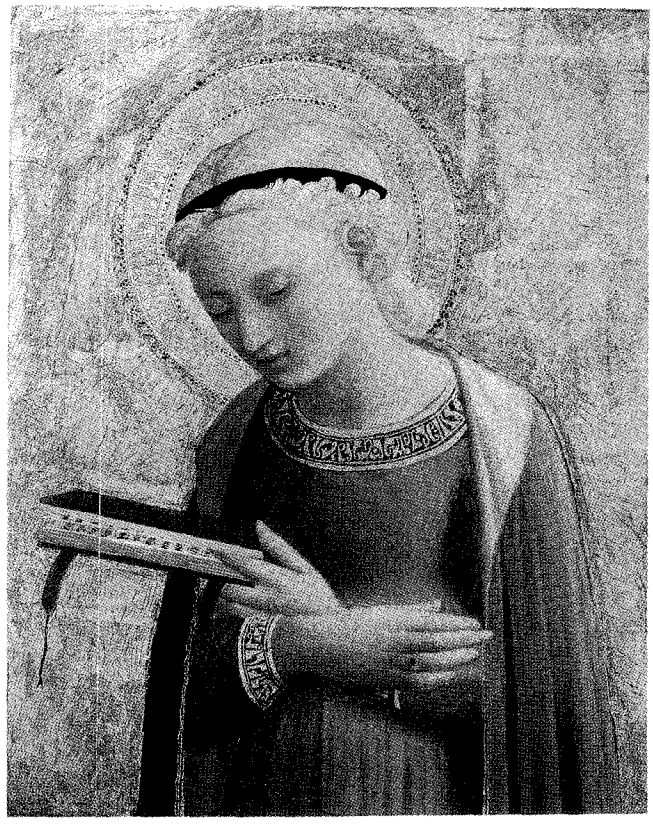
Van Eyck and Masaccio are pathfinders. Memling and Fra Angelico are negotiators. Van Eyck and Masaccio plunge head-first into a new realm. Memling and Angelico look around and figure out how things can fit together: what must be lost, what can be gained. It was in the fifteenth century that art first became an academic discipline, with its theoretical treatises and self-consciously articulated conventions, and one feels in both Memling's and Angelico's art a sense of the pleasure of working with a rulebook, which in no way means that one is entirely constrained by the rules.

The Fra Angelico retrospective at the Metropolitan is not the easiest place to grasp the extent of the artist's achievement, for so much of what we are seeing here are fragments of larger works. The creamy sweetness of a tiny Virgin and Child from Detroit or an Angel from Munich suggest Angelico's sunny opulence but not his synthesizing imagination. In his greatest works, Angelico takes a delight in the refinements of perspective that matches the medieval jeweler's panache that he brings to the unexpected play of colors. There is a restrained splendor in Angelico's masterpieces—a quality of elegance pushed to the brink of gaudiness and held there—and the only work at the Metropolitan that rises to these lofty heights is *The Dormition and Assumption of the Virgin*, from the Gardner Museum in Boston.



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FRA ANGELICO, *The Virgin Annunciate*, circa 1420

Here, in a work from the 1430s that is less than two feet high, Angelico uses the Florentine rulebook, with its definitions of perspective, to help guide us through a hallucinogenic explosion of powerful yet delicate hues. The painting is at once an arrangement of dozens of perfectly rendered figures and a dazzling dance of blue and gold and then some pink and green, with blue and gold shifting places as we move up the vertical panel, going from realm to realm. In the earthbound world, where the Virgin is laid out on her bier, the cloths covering the bier are gold, and the Virgin's robes are blue, and all this and the pinks and blues and greens of the robes of the apostles are set against the mild gray of a humble wall. Look up, though, and the gray wall gives way to golden heavens, where the blue, pink, and green robes of the angels are dotted and splashed with bits of gold. And then, above that, Christ in his mandorla is pure blue, with his cherubim outlined in a bit of gold.

The Dormition and Assumption of the Virgin is scaled big, and yet Angelico brings to his surging orchestrations of blues and golds and pinks and greens a miniaturist's graphic refinements and an almost pedantic insistence on the niceties of perspective, and all this somehow gives his grand coloristic schemes an added musical buoyancy. Angelico's colors have the ringing power of trumpet fanfares. There is something of a divine game in the way that the tiny angels are immaculately foreshortened and overlapped in their glitteringly unreal realm. Masaccio's conquest of perspective, with its rough-hewn boldness, becomes toylike and quietly witty here. The meticulous perspectival rendering of the foot of a candlestick, the deft foreshortening of the bier, the delicate dimensionality of the angel's faces: all these carefully contrived bits of fifteenth-century empiricism take on the quality of witty grace notes in the context of Angelico's utterly unreal onslaught of supercharged color. One feels that this is a painting in which abstraction and representation are smiling on each other. The painting suggests a mild debate between the forces of naturalism and the forces of supernaturalism. The rulebook has room for both, or so Fra Angelico is telling us.

When I look at *The Dormition and Assumption of the Virgin*, I feel that I know what the artist is up to, but Laurence Kanter's meticulously executed scholarly exhibition insists on our confronting how limited our understanding of Angelico really is. Reading the essays and the catalogue entries takes us deep into vexing questions of condition, attribution, and meaning, and one can end up overwhelmed by the sheer weight of contradictory evidence. The show throws some cold water on our old romance with Angelico's blue-and-gold realm. But then I suppose you could say that "Memling's Portraits" also runs the risk of leaving you loving the artist less, at least if what you are inclined to admire are Memling's rhapsodic renderings of a gently beautiful madonna surrounded by equally exquisite saints.

So these are in certain respects frustrating shows—but there is something healthy, I believe, about the frustration. It is a response to real challenges, to authentic questions. In our bread-and-circuses museum world, exhibitions of fifteenth-century European art are currently providing an extraordinary reminder of what museumgoing can really be—and the recent roster of shows includes not only the ones devoted to Memling and Angelico, but also the epochal "Tapestry in the Renaissance" show at the Metropolitan in 2002, "From Filippo Lippi to Piero della Francesca: Fra Carnevale and the Making of a Renaissance Master," at the Metropolitan last season, and "Origins of European Printmaking: Fifteenth-Century Woodcuts and Their Public," now at the National Gallery in Washington. At a time

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when museums are more and more turning into hollow shells—into buildings designed by superstar architects that are tricked out with a few contemporary art trophies purchased for headline-grabbing prices—scholarship, at least in the area of the Renaissance, is flourishing in some curatorial departments. I am not sure that Laurence Kanter's work on Angelico reaches the level of intellectual revelation that one has come to expect from his colleagues Maryan W. Ainsworth and Keith Christiansen, but there can be no doubt that the Metropolitan Museum of Art has in recent years brought off the nearly impossible task of assembling a staff that is dedicated, simultaneously, to the loftiest standards of scholarship and connoisseurship, and to the equally strenuous task of giving a broad, heterogeneous public a spell-binding experience. This is what culture should be in a democratic society.

I THINK THAT MANY MUSEUM-goers count fifteenth-century art, Flemish or Florentine, among their earliest and most enduring loves. There is something about the when-the-world-was-young optimism of the Renaissance that art-besotted teenagers and twenty-somethings tend to associate with their own hopes and dreams; and in later years, when we return to Botticelli or van Eyck or Angelico, it can feel like a return to the first flush of our maturity. Last season's "From Filippo Lippi to Piero della Francesca"—an exercise in scholarly detective work that Keith Christiansen brought off with exemplary panache—celebrated the early morning beauty of fifteenth-century Florentine art, the giddy air of expectation that has led centuries of art lovers to agree with Vasari that this is where it all began. And "Memling's Portraits" can remind us once again of that other seemingly impregnable fifteenth-century realm—the cool luminosity of Flemish painting, its mysterious sobriety.

Of course, our grown-up understanding of the complexities of art history cannot always sustain this old vision of Flanders and Florence as isolated and enchanted fortresses. It is the very exhibitions that revive those old dreams that also force us to re-think Flanders and Florence in the light of a more pragmatic view of origins and influences. The history of art turns out to be as messy as a grown-up's life, and Paula Nuttall, who contributed an essay to the Memling catalogue, has a lot to tell us about this in an impressive study of the crosscurrents of fifteenth-century art, *From Flanders to Florence: The Impact of Netherlandish Painting, 1400–1500*, which was published not long ago by Yale University Press. The subject is by no means a new one—the idea that oil painting had been invented in the North and adopted in the South has a long history; and Panofsky was already dealing with the international nature of fifteenth-century art in *Early Netherlandish Painting*, which appeared half a century ago. Still, the interest in international currents has been embraced by historians with particular fervor in recent years, with interesting contributions not only by Nuttall but also by Ainsworth, in the catalogue of last season's huge Byzantium show at the Metropolitan, and by Christiansen, in the Metropolitan's "From Van Eyck to Bruegel" back in 1998.

Scholars nowadays tend to highlight the cosmopolitan spirit of fifteenth-century Europe, and Memling emerges as a key figure in this story. Working in Bruges, a center for international commerce with a large concentration of Italian merchants and bankers, many of whom collected Flemish paintings, he created an art that had implications for Italy. Although Memling himself may not have originated the idea of setting his portrait subjects against a deep landscape, his explorations of this idea were adopted in Italy, affecting a wide range of artists, including Leonardo, whose portrait of Ginevra de'Benci is believed to owe something to Memling. Meanwhile, the landscapes in Piero della Francesca's portraits of Battista Sforza and Federigo da Montefeltro, while not necessarily derived from Memling, are surely indebted to Flanders, perhaps to van Eyck's lost painting of bathers. In Fra Angelico's case, the influences go in both directions. It has long been recognized that the composition of van der Weyden's *Lamentation*, in the Uffizi, is based on the composition of an Angelico *Lamentation*, part of the San Marco altarpiece, now in Munich. Nuttall points out that we cannot be sure if this borrowing was in fact Rogier's choice or was precipitated by a patron. She also believes that the growing interest among Angelico and other mid-fifteenth-century Florentine artists in conceiving an altarpiece as an integrated scene with a coherent perspectival space was derived from Northern examples, among them van Eyck's van der Paele altarpiece in Bruges.

If much of the emphasis in recent scholarship has been on the impact of Northern art on the South, this has been fueled by a long-standing rejection of the by now centuries-old idea that the Renaissance began in Italy, and that most innovations, at least in painting, moved from South to North. Whatever the direction in which ideas are believed to have moved, however, the general spirit of these studies is internationalist, and reflects a skepticism about inherently nationalist or regional characteristics—a belief that stylistic identity is infinitely mutable, and that commercial and social mobility more often than not will trump racial or geographical identity. While Nuttall and other recent scholars have no ideological ax to grind, when taken as a whole their work does suggest a rejection of an older belief that artistic style, like human character, is related to the qualities of a place—to its climate, its geography. The new art history tends to weaken whatever belief we still have in an inherently Northern or Southern temperament, an idea that originated in ancient times and has been discussed since the Renaissance—in Jean Bodin's *Method for the Easy Comprehension of History*, in Montesquieu's *The Spirit of the Laws*, in Winckelmann's writings on the history of art, in Hegel's and Herder's notions of *Geist* and *Volksgeist*, and in the study of *Kunstgeographie* in the late nineteenth and early twentieth centuries.

AT LEAST AS LONG AGO AS the fifteenth century, artistic value judgments were linked with distinctions between Northern style and Southern style. And nearly all discussions of this distinction tend to begin with Michelangelo's attack on Flemish art, recorded in Francisco de Holanda's *Roman Dialogues*, which date from the 1540s. Michelangelo complained about the finicky detail in Flemish painting, observing that this work was completely lacking in "reason or art," though he believed that it would "please the devout" because it favored the empathetic representation of individual elements. Flemish art, he declared, "will appeal to women, especially to the very old and the very young, and also to monks and nuns and to certain noblemen who have no sense of true harmony."

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Whatever one may think of Michelangelo's judgments, there is no question that he established a momentous distinction between the classical rationalism of the South and the expressionism of the North. This polarity echoed through the academies of the Baroque period, fueled the classic-versus-romantic debates of the nineteenth century, and energized the Romantic search for anti-classical models in the early Flemish painting that they so admired. In the twentieth century, the formalists took up Michelangelo's side of the argument. In a letter that Roger Fry wrote to Mary Berenson in 1902, when he was visiting the great exhibition of early Flemish painting in Bruges, he remarked on "how hungry the Flemish art even at its best leaves one for want of that indescribable quality of bigness"—a quality that Fry associated with Italian art. The Flemish artists, he argued, "lack the architectural sense of composition and however charming their color it is very rarely great in conception."

Museumgoers who turn from "Memling's Portraits" to the Fra Angelico show may not care to take sides, but even so they will probably feel that Bruges and Florence are light years apart in temperament. The gulf between those great artistic centers may push visitors to once again explore these older ideas of national or regional temperament, and to consider why they are now so completely out of fashion. Their eclipse may not in fact be that difficult to understand, at least if we think back to the second quarter of the twentieth century, when intellectuals began to feel a great revulsion at the part that ideas of nationalist and racialist identity were playing in the rise of fascism. For students of art, the Nazi embrace of the Northern spirit had a particular ironic sting. For the art-historical avant-garde had also embraced a romantic sense of place and national identity, as they worked to re-energize the understanding of medieval and Northern Renaissance art—an understanding that gave a historical context to the modern German Expressionists, whom the Nazis would label degenerates. By the end of World War II, ideas about the local spirit of art, especially Alois Riegl's *Kunstwollen*, which had once been seen as progressive and even radical, were labeled reactionary by Ernst Gombrich, whose *Art and Illusion* identified the shaping force in style not as geography but as psychology. Erwin Panofsky, in the magisterial studies he published during and after the war on Dürer, the supreme German master, and on early Netherlandish painting, emphasized the importance of van Eyck, van der Weyden, and Dürer not as representatives of a national style, but as citizens of a transnational, humanistic Europe.

Jeffrey Chipps Smith touches on these matters in his introduction to a new edition of Panofsky's *The Life and Art of Albrecht Dürer*. Smith points out that Panofsky, in the opening pages of his book, makes "comments on the national origins of style [that] are in keeping with the sweeping distinctions, categorizations, or, in the case of Alois Riegl's *Kunstwollen* ... evolutionary viewpoints popular with art historians in the late nineteenth and early twentieth centuries." But in the end Panofsky presents a view of Dürer that "contrasts with and likely responds to the growing nationalist claims made about the artist in Nazi Germany." For Panofsky, van Eyck and Dürer are cosmopolitan innovators who transcend origins, who see art and life in the broadest terms, who give reality an enlarging context, an internationalist shimmer.

The whole thrust of Panofsky's work during his American years was away from his earlier interest in systems of perspective and proportion, which subsumed the artist's individuality to the worldview of a time or a place. Now some younger historians, who have been taking another look at the theoretical concerns and system building of late nineteenth- and early twentieth-century art historians, detect an almost reactionary turn in Panofsky's later work, with its emphasis on specific iconographic enigmas and the freestanding genius of a figure such as Titian. The theorists in the art history departments who are bringing fresh insights to the century-old work of Alois Riegl and Gottfried Semper may see similarly conservative strains in the intricate discussions of relations between Northern and Southern artists that preoccupy Nuttall and other historians.

I MYSELF AM TORN. I BELIEVE THAT artistic imagination is grounded in the almost timeless spirit of a place, but I also recognize the endlessly mutable and serendipitous nature of the artist's development. The danger is that these views will come to appear mutually exclusive. If you follow the logic of Nuttall's fine book, you may begin to imagine that Bruges and Florence were closer to one another than either was to the countryside that surrounded them. There is surely a sense in which this is true: We can see what Angelico might have taken from van Eyck, and we can see why over the years the portrait styles of North and South became so similar that Northern paintings were ascribed to Southern artists and vice versa. But step back a bit and think of your immediate impression of "Memling's Portraits" and of the Fra Angelico show, and you will feel quite confidently that Memling reflects the clean, clear, cold air of the North, while Angelico is all about the sun-struck climate of the South. If clarity, a fifteenth-century virtue, is a constant in the work of both Memling and Angelico, they still have very different views of clarity. The Northern version is close-up, slow, gradualist (microscopic or telescopic, it has often been said), while the Southern version is broader, bolder, more immediate. If the brilliance of Northern painting contains some of the glimmer of light through stained glass, the brilliance of Southern painting has more in common with the dazzle of sun on boldly articulated classical façades. Memling and Angelico accept these assumptions and proceed to make of them something that is personal, that is theirs alone.

To go through these exhibitions is to be absorbed in time-honored questions that bring to mind recent discussions about nature and nurture, about identity and assimilation. Is there always a sobriety to the Northern artist? Is there always an ebullience to the Southern artist? Are all Northerners particularizers? Are all Southerners generalizers? Such questions can seem foolishly simplistic, until we apply them to a range of Flemish and Florentine artists, which may lead us to suspect that we are onto something after all. But onto what, exactly? Here is where analysis must begin. The curator is inclined to emphasize the place of nurture and assimilation in the making of art. The museumgoer is inclined to see nature and identity as the decisive factors. The curators, with their closely argued distinctions, keep the museumgoing public honest—but museumgoers can keep curators honest, too, with the deep, immediate, blissfully unexamined responses that remind us of art's elemental power. ■

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Hillel Halkin
Sacrifices

THE FIVE
By Vladimir Jabotinsky
Translated by Michael R. Katz
(Cornell University Press, 203 pp., $17.95)

POLITICIANS WHO WRITE NOVELS are not as rare as one might think. In recent years, in the United States alone, Jimmy Carter, Ed Koch, Gary Hart, Newt Gingrich, and William Weld—the list is a partial one—have helped while away their retirement by turning out works of fiction. It is no more harmful than playing golf, and it tends to get more attention. But politicians who write memorable novels are something else. Pressed to name one, an educated reader might come up with Disraeli. Yet who still reads *Tancred* or *Sybil*? And if one does, one is impressed less by how good they are (although they are in fact still quite readable) than by their having been written by a man who, far from being retired at the time, was fighting for corn laws and reform bills and serving as England's chancellor of the exchequer and prime minister.

Which brings us to this novel by Vladimir Jabotinsky. Outside of Israel, where portraits of him are ritually hung behind the speakers' podium at the unruly Likud conventions for which he would have felt great distaste, Jabotinsky has been largely forgotten; and if he is remembered at all, it is generally as the reputedly extremist, even fascistic, Zionist leader of the British Mandate–period Revisionist Party, the political grandfather of today's Likud. (The Likud's father was Menachem Begin and his Herut Party.) This is a pity, not only because Jabotinsky was a European liberal who despised fascism, but also because he was one of the most intelligent, talented, honest, and likeable of all twentieth-century politicians.

He was born in Odessa, on the Black Sea, in 1880. The Russian city with the largest number of Jewish inhabitants in the years before World War I (in Jabotinsky's youth its 140,000 Jews were a third of its total population), Odessa had the briefest of both Russian and Jewish histories, having been little more than a Tatar outpost when it fell to the Czarist Empire in 1789. Moreover, the social and economic elite of its early years of phenomenal growth—by the end of the nineteenth century it was Russia's major seaport—was not Russian at all, but rather French and Italian. (The city's first governor was Louis François Armand, the Duc de Richelieu, who arrived at the invitation of the czar with a contingent of aristocrats exiled by the French Revolution.) To this founding kernel was added, beside local Ukrainians, large numbers of Russians, Turks, Greeks, and Armenians who came to seek their fortunes in a boom town, as well as Jews flocking from the Pale of Settlement to the one city outside it that placed no restrictions on their residence and treated them, despite occasional anti-Jewish outbreaks, as just another ethnic minority in a city with no ethnic majority.

Like Odessa itself, Odessa Jewry was atypical. At its top, it had great wealth and a sizable middle class, both nourished by a Ukrainian wheat export trade controlled by Jewish merchants. And unlike Moscow or St. Petersburg, to which only Jewish professionals and businessmen were admitted, Odessa also had a large Jewish working class, concentrated in neighborhoods like the Moldovanka district later made famous by the stories of Isaac Babel. Yet its Jewish poor, too, were more Russified, less ghettoized, and less religiously traditional than poor Jews elsewhere. The city also had a vibrant Jewish intellectual and cultural life and a strong Zionist movement. Among its prominent residents when Jabotinsky was growing up were the early Zionists Leo Pinsker and Moshe Leib Lilienblum; the Hebrew essayist Ahad Ha'am; the great Hebrew and Yiddish writers S. Y. Abramovitsh (Mendele Mokher Seforim) and Sholem Aleichem; the Hebrew poet Haim Nachman Bialik; the historian Joseph Klausner; the Yiddish linguist and ideologue of socialist Zionism Ber Borochov; and still others.

Cosmopolitan, fun-loving, southern, and sunny-skied: this was the city that Jabotinsky, who was raised in a semi-traditional Jewish, Russian-speaking home, later remembered with great affection. In a short essay about it, he wrote years later:

> I have friends and acquaintances from many places, and I have often heard them speak of their formative years and felt (I'm referring to the Jews among them) that they grew up in an atmosphere thick with the grimness and bitter salt of Jewish tragedy ... Perhaps Jewish society in such places was more deeply and consciously "Jewish," and far better educated in Jewish terms. I've always thought that in their psyches, from childhood on, [these Jews] lived in a harsh climate, under gray skies—always in a state of war in which they had to fight their way forward while defending themselves against countless enemies. This may have been, I admit, a better training ground for a Jewish existence; it created more profound, perhaps more finely attuned types. Odessa was never profound about anything—but for that reason, it never pecked at the soul. Having no traditions, it didn't fear new ways of life or doing things. This made us more temperamental and less hungry for success; more cynical, but not so bitter.

JABOTINSKY LEFT ODESSA IN 1898 for Switzerland and Italy, where he studied and worked as a correspondent for Russian newspapers. He returned for a brief stay in 1901–1902, during which he wrote two plays that were produced onstage; helped organize a Jewish self-defense force—the first of its kind in Russia—in anticipation of a pogrom that never occurred; spent fifty days in jail for possession of illegal literature; and then departed again for good.

He had become a confirmed socialist Zionist, partly under the influence of Italy—a country he loved and called his "spiritual homeland"—and the humanistic nationalism of its Risorgimento, and he threw himself, both as a publicist and an organizer, into full-time Zionist work. Jabotinsky was a key figure at a conference at Helsinki in 1906 that sought to expand Zionism from a project of colonization in Palestine into a

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political and cultural movement in the Diaspora as well. He ran and lost several times on a Zionist ticket for the Russian Duma; and he came to the attention of world Jewry during World War I, when he led a successful campaign to persuade the British government, now committed by the Balfour Declaration to a "Jewish homeland" in Palestine, to form a volunteer "Jewish Legion" to fight there with its expeditionary force. Enlisting in the Legion's ranks, he saw action against the Turks as a junior officer in the war's final months.

It was after the war that Jabotinsky broke with the Zionist left that had gained control of the political and economic institutions of Jewish Palestine, and formed his "Revisionist" opposition to it. Two things pushed him to this. One was his feeling, starting with the tepid British reaction to anti-Zionist riots in Jerusalem in 1920, that the Mandate government was tilting toward the Arabs, and that the left, concerned more with its own hegemony in Palestine than with the worldwide fate of the Jews, was turning a blind eye to the erosion of the Balfour commitments. The other was his revulsion at the brutality of the Bolshevik Revolution. Convinced that its root cause was the intrinsically coercive nature of economic collectivization, he abandoned his socialist views and moved rightward.

It was not long before he became the recognized head of the Zionist right, and the increasingly maligned rival of the World Zionist Organization's two great leaders, David Ben-Gurion in Palestine and Chaim Weizmann in London. (Although the charges of fascism hurled against him were baseless, some Revisionists were indeed attracted to the model of Mussolini's corporate state. Nor did the hero worship of many of Jabotinsky's followers, or the brown-shirted uniforms and military-style parades of the Revisionist youth movement Betar, help him to defend himself against the accusations.) Barred by the British from Palestine in 1930, he spent the last decade of his life headquartered in Paris, and traveling constantly to Jewish communities all over Europe, and as far as South Africa and the United States, to preach his message. He was a masterful orator who could address his audiences in a half-dozen languages.

Jabotinsky was now possessed by a growing sense of urgency: he was certain that Europe's Jews were faced with an unprecedented conflagration, and that only the emigration of millions of them to Palestine, which was opposed by the British and viewed as impractical by the Zionist left, could save them. At the time of his death from a heart attack in 1940, the outbreak of war having scuttled his hopes that anti-Semitic governments in Central and Eastern Europe might pressure the Mandate into accepting the wholesale evacuation of their Jewish populations, he was seeking to repeat the success of the Jewish Legion by obtaining British agreement to raise an international force of a quarter of a million Jews to take part in the battle against Hitler. For his admirers, he died a heroic figure, a martyr to the petty politics of a socialist Zionist establishment blind to the sweep of his vision and the prescience of his warnings. For his enemies, he was at best a quixotic dreamer, at worst a dangerous demagogue ready to make common cause with darkly reactionary forces.

COURTESY BARRICADE BOOKS

Jabotinsky in Marienbad, circa 1930

Like Disraeli, Jabotinsky, even in the thick of the political fray, never stopped writing. Feuilletons, plays, poems, speeches, essays, newspaper columns, memoirs, translations from and into different languages (including a marvelous Hebrew rendition of Poe's "The Raven"), a book on Zionism, a monograph on Hebrew phonetics, an autobiography—it is hard to understand how, with all his hectic activity, much of it on the road, he found the time or the concentration for it. He also wrote two novels in Russian: a biblical one called *Samson* (which was the inspiration for, and gained him a credit on, Cecil B. DeMille's movie with Hedy Lamarr and Victor Mature) and *The Five*.

The Five, which was published in 1936, is set in start-of-the-century Odessa—a place that its nameless narrator, then a young journalist, describes looking back on it as having been "an amusing city," whose gaiety "began when [its different] tribes started laughing at one another; then they learned to laugh at themselves, and then at everything on earth, even at what hurt and at what they loved." The novel's opening pages suggest a wistful work of nostalgia unrelated to Jabotinsky's agitated political life of the 1930s, an imaginative refuge in a past that, however accurately recreated, is nonetheless a diversion—an étude played by a harried amateur pianist to keep out, if only for a few moments, the sounds of the menacing street.

The five are the children of the Milgroms, a well-to-do Jewish family whose father, Ignatz Albertovich Milgrom, is a shrewd grain merchant, and whose mother, Anna Mikhailovna, is a woman of insight and cultivation. Marusya, their eldest, is about twenty when the narrative begins; Torik (or Viktor), the youngest, is thirteen or fourteen, and in between are Sergei (or Serezha), Marko, and Lika. As often happens in large families, they are all very different, each having carved out a niche for his or her character that is in no danger of being occupied by a rival.

Marusya is an attractive redhead, lively, funny, unconventional-minded, and sexually provocative; while it is

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never quite clear how much her verbal flamboyance is matched by deeds, it conceals, as we are made aware from the start, a serious, soulful interior. Serezha is a *Wunderkind*, adept at everything: sports, music, poetry, mechanics, card tricks, friendships. "In general," Ignatz Albertovich says of him, "he's a charlatan: I love charlatans." Marko is more slow-witted and idealistic; short-lived in his enthusiasms, he gets, his father says, "a new dream every month or so." Lika is the family rebel and malcontent; sullen and withdrawn, she lives like a nun in her bare room and reads revolutionary literature. Torik is just the opposite: a polite, friendly boy who excels in school.

The narrator befriends the Milgroms and gets to know them well. But it is Marusya, to whom he is closest in age, with whom he also has the closest relationship. Although it never becomes a romantic one, it sometimes teeters on the edge, and its unspoken restraint at such times is what makes its bond so strong. It is one of those friendships between a man and a woman that is instinctively understood by both to be too precious to be squandered sexually.

Only toward the book's end does the subject of physical love come up explicitly between them. Marusya is now married—improbably (or so it seems) to a hard-working, conscientious, and rather dull pharmacist—and is the happy mother of a small boy, and the narrator has come to visit her in the provincial town to which she has moved from Odessa. Her husband is away, and they lie intimately talking and touching on the narrator's guestroom bed. It is late at night when Marusya gets to her feet and tells the narrator that she is going to sleep and that there will be coffee for him in the morning. As she lingers there before him, he asks, "What are you being so quiet about?" He then tells us:

> She made no reply, freed her hand [from mine], and went to the door, but stopped and turned to face me. "What about?"
>
> She started laughing and answered as if she were twenty years old again, as if she were once more a reddish kitten in a muff [his impression of her the first time he saw her in a fur stole at the Odessa opera], as if she hadn't learned anything or forgotten anything:
>
> "I'll confess. I was standing here thinking: I ought to say farewell to him in a special way—perhaps we'll never meet again. But as you can see, I've reconsidered. You and I have missed all our deadlines; in general, it's unnecessary; let things remain as they've been.... Go to sleep my dear. 'Dream me,' if one can say that."

They never meet again, for shortly afterwards Marusya dies in a fire.

MARUSYA'S DEATH FORMS the somber denouement of a book that darkens as it progresses, but she is not the only one of "the Five" to end badly. So do all the Milgroms. Serezha falls in with a crowd of cardsharps, becomes involved in an extortion racket, and is blinded in an acid attack. Marko, having taken up and abandoned one cause after another, ridiculously drowns while jumping off a bridge to rescue a woman he mistakenly thinks is screaming for help when she is actually safe on dry land. Lika joins the Bolsheviks and becomes a secret agent. The last time the narrator meets her, living a double life as the glamorous mistress of a high Czarist police spy, he says to her: "You're a monster, Lika: you live with a spy, you're in love with him like a kitten, and you spy on him for others. I don't believe that even a good cause is worth that kind of service."

As for Torik, his fate is, Jewishly speaking, the least exceptional. Intent on becoming a successful lawyer, he has himself baptized as a sensible career move. Yet although he leaves the Jewish fold without qualms, it is not without thought, for he tells the narrator:

> [I]t seems to me that if I were in a shipwreck, I wouldn't leap into a lifeboat before all the women, children, old folk, and cripples had been taken care of; at least, I hope I'd have the strength not to. But, it's a different matter altogether when everyone else has already jumped ship or has inwardly resolved to; besides, there are plenty of lifeboats all around and there's room for everybody; and the ship isn't really sinking; it's merely uncomfortable, dirty and crowded, it isn't going anywhere, and everyone's sick and tired of it.... The best school for all this in my opinion, is our family: the children, the five of us. Each one of us was a valuable person in his or her own way.... and look at what's happened to us.

LONG BEFORE WE HAVE REACHED Torik's baptism, which takes place after Marusya's death, we realize what Jabotinsky is really up to. *The Five* is not a diversion; not at all. It is a classic *Verfallroman*, the story of the collapse of a pre–World War I world doomed by forces stronger than its own innocence. The Milgrom children end as they do—all except Marusya, anyway—because they do not, for all their charm and intelligence, have the self-knowledge to discern their inner flaws.

In this they are no different from Odessa itself. "It was strange," comments the narrator:

> In our homes, it seems, we lived apart; the Poles visited and invited other Poles, Russians invited Russians, Jews, other Jews; exceptions were encountered relatively infrequently; but we had yet to wonder why this was so, unconsciously considering it simply an indication of temporary oversight, and the Babylonian diversity of our common forum, as a symbol of a splendid tomorrow. Perhaps one honest and foolish drinking companion of mine, an opera tenor with a Ukrainian surname, best expressed this mood—its conciliatory surface and concealed threat. One Saturday, after drinking a bit too much, he came over to embrace me for some speech I had given at dinner.
>
> "Today, you grabbed me by the guts," he said, kissing me three times. "Now we're thick as thieves; we're sworn brothers for life. It's a pity

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that people are still going
on about religion: one's a
Russian, another's a Jew.
What difference does it
make? There should be a
common soul, just like you
and I have. Then again, there's
X—now that's different:
he has a Jewish soul, a filthy
soul . . . "

A city in which nationalism and anti-Semitism are waiting to erupt, the Milgroms' Odessa lives with the illusion that it is immune to such things, and that there is no need to prepare for them—and nowhere more than in the Jewish circles the Milgroms move in. When the narrator, after a night on the town, suggests to Marko, ever on the lookout for a new "ism," that he might "team up with the Zionists," Marko "opened his round eyes and stared at me, filled with amazement; it was clear from his glance that even as a joke, at five o'clock in the morning, a normal person couldn't agree to such an immense absurdity."

Despite their different styles and registers, the work of modern Jewish fiction that *The Five* most resembles is Sholem Aleichem's *Tevye the Dairyman*, in which each of the children of a large family similarly undergoes a representative fate, collectively symbolizing the disintegration of Russian Jewry. Tevye's daughters and the Milgroms go down many of the same paths. Tevye's Hodl, like Lika, chooses the Revolution. His Chava, like Torik, converts. Marko and Tevye's Shprintze both drown—the latter a conscious suicide, the former perhaps an unconscious one. Shprintze's boyfriend Aronchik is a cruder version of the Milgroms' Serezha, a hedonistic playboy with no inner core. And in Tevye's family, too, there are no Zionists, and no one but Tevye with the slightest inkling that the "grimness and bitter salt of Jewish tragedy" lie in wait for them all.

A Vision Through the Smoke

A tree, half aflame, moaned inside me.
The willow that had wept would not weep.
All of me, the pigeons cry, *all of me*—
Or is it *allofyou allofyou* that they coo?
The skyline held the sun up like two carnival strongmen,
but then seemed to drop with the greatest of ease.
No I I knew could clear the clouding mirror:
not the sun as it set, nor the moon as it bruised.

ROWAN RICARDO PHILLIPS

And Marusya? Marusya is another story. In trying to complete our picture of Jabotinsky's intentions in *The Five*, Marusya's death at first seems a puzzle. The most inward and self-aware of the Milgrom children, she is the only one whose fate is determined by a mere accident. Standing in her kitchen one morning while warming milk, she carelessly lets the sleeve of her nightgown brush the stove, and it catches fire. Afraid that her son Mishka, who is by her side, will be burned, she picks up a broom, pushes him into the hallway with it, and shuts and locks the door. Only then does she try to tear off her nightgown—but by now it is too late. Her last, seemingly senseless act is to crawl to the open window and throw out the key, which is later found in the street below.

But might not Marusya have saved herself, had she torn her nightgown off at once? The possibility is hinted at. And if she might have saved herself, then her death is not so accidental after all, for it, too, is an expression of character—of her love for her son and her instinctive sense of duty that commands her to get him out of harm's way before worrying about herself. In fact, a steely sense of duty has lain coiled in Marusya all along.

This is the clue to her marriage to the staid Jewish pharmacist Samoilo Kozodoi—a marriage, the novel implies, that she has made up her mind about long in advance and already knows will take place even as she is playing the flirt all over Odessa—even as the narrator hears her say, that first night at the opera, when told of an admirer's wish to kiss her: "Fancy that, what an honor! Soon there won't be a single student left on Deribasov Street who can brag that he's never kissed me."

It is precisely Kozodoi's staidness and dependability to which Marusya is attracted. Although she respects him, she does not love him, or even pretend to love him. ("There were moments," she "writes" to the narrator after her death in an imaginary letter that is his fulfillment of her request that he "dream" her, "when for one piece of candy, and even the candy was unnecessary, I could've been an unfaithful wife, just so, not for any particular reason.") Yet within herself she has always understood that when the time for youth and its freedoms has passed, one renounces them willingly for the sake of one's obligations, or one gets dragged down to destruction by one's refusal to part with them.

A sense of duty like steel—and a will of steel. Here is how a friend of the narrator's, the journalist Shtrok, explains the key that was found in the street:

> It's clear. At such a moment anyone, not merely you and I, would first of all want to escape. Madam Kozodoi is, after all, also only a human being, and she, too, wanted to escape; the worse it grew, the more she would want to. . . . But Mishka's out there. Let's say the key was still in her hand. Perhaps it was different: the key was still in the lock, and a fraction of a second arrived when her hand all on its own was stretching out to reach it. Then Madam Kozodoi says to herself: "No. It's forbidden." And so there wouldn't be any argument, she hurls the key into the street.

This is the act of an extraordinary woman. But who is she? Apart, that is, from being a wonderfully drawn character and a tribute to Jabotinsky's novelistic skills, whom or what does she represent in *The Five*'s scheme of things? The answer, I think, is obvious. She represents Jabotinsky himself.

Somewhere—I may have come across it in his autobiography, *The Story of My Times*—Jabotinsky writes that at heart he was and always had been an anarchist, and that the iron discipline that he expected, both of himself as a political leader and of his Revisionist followers, was quite foreign to his nature. And yet, he goes on, there was no contradiction between the two things, since this discipline was something that he had freely chosen for himself, and he hoped his followers had chosen it freely, too. Although he might have preferred to live a different life, a literary life perhaps, he had deliberately assumed the responsibilities that the times had laid at his door.

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As Michael Stanislawski observes in his introduction to Michael R. Katz's fluent translation of *The Five*, novels are sometimes, paradoxically, more autobiographically truthful than autobiography, since the autobiographer, who is presumed by his readers to be telling the truth, may lie to protect himself or to manipulate his image, whereas the novelist, who is presumed to be relating a fiction, has less compunction about telling the truth. This is an astute comment, and *The Five*, which is several times the length of the Odessa section of *The Story of My Times*, is no doubt the more reliable guide to the world of the young Jabotinsky.

But on the question of freedom and duty, *The Story of My Times* and *The Five* are fully consonant. Whether there was a real Marusya on whom Jabotinsky's character was modeled, or whether she was largely or wholly his invention, is hardly germane; she is in the novel, in either case, a projection of his own self. The man who refused to "leap into a lifeboat" when his people's ship was on fire, portrayed in *The Story of My Times* as having been a carefree, mischievous boy who liked playing hooky in Odessa's streets and port better than going to school or being serious, is fully recognizable in the wittily nonconformist young woman who eventually locks herself in a burning kitchen to save her child. Both are acting on the same high impulse.

And yet in the end, the most remarkable thing about *The Five* is not that it was written by a man who, the year before its publication, was occupied day and night in leading his Revisionist Party out of the World Zionist Organization and founding a rump Zionist body after a negotiated truce between him and Ben-Gurion was voted down by the Histadrut, the Jewish labor federation of Palestine. *The Five* would be just as tender yet unsentimental a novel, and as technically accomplished, even were it to turn out that its author had been publicly played by a double while spending his time holed up in his Paris apartment, composing leisurely draft after draft. The most remarkable thing about this novel is how good it is. ■

CORRESPONDENCE

continued from page 4

condescending about its subject ("Actualities and Miracles," November 7). First, Kauffmann writes, "The feeling of the picture is of a tale recounted by a storyteller to show that, though orthodox Jews encounter difficulties that other Jews can avoid, they are at the last repaid." My guess, though, is that the director, who is himself a secular Israeli, meant ultimately to evoke not a crude payment scheme, but some of the inherent rewards of the spiritual life, and that, to the extent he might have been addressing those so-called "other Jews," he meant to illustrate not the "difficulties" they "can avoid," but the deeper connections they might otherwise complacently overlook. Second, Kauffmann tells us that "the picture has enough good feeling and chuckle to take it out of the parochial." It escapes me, though, why a film on this subject would bear more of a burden "to take it out of the parochial" than any other film that tries, as most worthwhile art does, to see large truths through the prism of a particular culture in a particular place at a particular time.

PERRY DANE
Camden, New Jersey

STANLEY KAUFFMANN RESPONDS: "Crude payment scheme" is Perry Dane's view, not mine: The comment of mine that he quotes is essentially the same as his, in less stratospheric terms. Nor did I say or imply that "a film on this subject would bear more of a burden" to surpass parochialism than other works that see large truths through particular prisms. *Ushpizin* simply shares that burden proportionately.

CATHOLIC ECONOMICS

FRANKLIN FOER FALSELY ASSERTS that I favor "an unrestrained market" ("Brain Trust," November 14). In my view, in fact, capitalism must be restrained by the rule of law, by intelligent regulation, and by ethics (both personal ethics and the ethics of one's religious community). Capitalism alone would be morally dangerous without correction by a free and open polity and a free and critical culture. Thus, the free society, in my view, has three parts: the free economy, the free polity, and the free culture, each checking the other two. This three-sided system is what I mean by "democratic capitalism." I believe, further, that this is the same view represented in the papal encyclical *Centesimus Annus*, 1991, paragraph 42.

MICHAEL NOVAK
Scholar
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FOER'S DISSECTION OF THE CATHOLIC legal mind is so brilliant that I can even forgive his implicit insult to my alma mater, Villanova. He correctly observes that Catholics have provided the "intellectual heft" that, when added to the passion of Protestant evangelicals, has helped to advance the conservative agenda on a slew of topics from abortion to gay rights to the separation of church and state. But I take issue with his conclusion that the particular brand of conservatism espoused by the so-called "libertarian" Catholics like Justices Antonin Scalia, Clarence Thomas, and John Roberts will provoke a crisis in my church. It is, rather, the reasoning of justices like William J. Brennan and Anthony Kennedy who, fully cognizant of Catholic teachings on social justice and the defense of the disenfranchised, promote an intellectually dishonest reading of the Constitution that gave us *Roe* v. *Wade* and its progeny. I would argue that it is this, and not the abandonment of New Deal economic and social policies, that has already provoked a crisis.

CHRISTINE M. FLOWERS
Philadelphia, Pennsylvania

FITNESS TEST

AS A FORMER GENERAL COUNSEL OF the U.S. Agency for International Development, one piece of law I know is Article VI of the Constitution, which states that "no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States" ("Notebook," November 14). For THE NEW REPUBLIC to call Paul Bonicelli unfit because he personally subscribed to a statement of faith at a private institution imposes an unconstitutional religious test. This constitutional standard cannot exclude those who hold religious views in private life, or else it becomes a religious test itself. While I have never met Bonicelli, to assume in advance that his private religious views will trump his oath of office to treat all equally seems deeply unfair.

JOHN S. GARDNER
Alexandria, Virginia

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WASHINGTON DIARIST

Hits

A FEW DAYS BEFORE I READ in *Time* that Steven Spielberg's new movie is so significant that there would be no advance screenings of it, I went to an advance screening of it. The fakery is everywhere, isn't it, though in this instance it nicely captures the self-importance of this pseudo-controversial film. The makers of *Munich* seem to think that it is itself an intervention in the historical conflict that it portrays. For this reason, perhaps, they have devised a movie that wishes to be shocking and inoffensive at the same time. It tells the story of the Israeli retaliation for the massacre at the Munich Olympics in 1972—specifically, of the nasty adventures of a team of five Israelis that is dispatched to Europe to destroy eleven Palestinians. The film is powerful, in the hollow way that many of Spielberg's films are powerful. He is a master of vacant intensities, of slick searings. Whatever the theme, he must ravish the viewer. *Munich* is aesthetically no different from *War of the Worlds*, and never mind that one treats questions of ethical and historical consequence and the other is stupid. Spielberg knows how to overwhelm. But I am tired of being overwhelmed. Why should I admire somebody for his ability to manipulate me? In other realms of life, this talent is known as demagoguery. There are better reasons to turn to art, better reasons to go to the movies, than to be blown away.

THE REAL SURPRISE OF *MUNICH* IS HOW tedious it is. For long stretches it feels like *The Untouchables* with eleven Capones. But its tedium is finally owed to the fact that, for all its vanity about its own courage, the film is afraid of itself. It is soaked in the sweat of its idea of even-handedness. Palestinians murder, Israelis murder. Palestinians show evidence of a conscience, Israelis show evidence of a conscience. Palestinians suppress their scruples, Israelis suppress their scruples. Palestinians make little speeches about home and blood and soil, Israelis make little speeches about home and blood and soil. Palestinians kill innocents, Israelis kill innocents. All these analogies begin to look ominously like the sin of equivalence, and so it is worth pointing out that the death of innocents was an Israeli mistake but a Palestinian objective. (I am referring only to the war between the terrorists and the counterterrorists. The larger picture is darker. Over the years more civilians were killed in Israeli air strikes than in the Palestinian atrocities that provoked those air strikes. The justice of Israel's defense of itself should not be confused with the rightness of everything that it does in self-defense.) No doubt *Munich* will be admired for its mechanical symmetries, which will be called complexity. But this is not complexity, it is strategy. I mean of the marketing kind: I note that the filmmakers have nervously retained the distinguished services of Dennis Ross to guide the film through the excitable community of people who know about its subject. *Munich* is desperate not to be charged with a point of view. It is animated by a sense of tragedy and a dream of peace, which all good people share, but which in Hollywood is regarded as a dissent, and also as a point of view. Its glossy caution almost made me think a kind thought about Oliver Stone. For the only side that Steven Spielberg ever takes is the side of the movies.

THE SCREENPLAY IS SUBSTANTIALLY THE work of Tony Kushner, whose hand is easily recognizable in the crudely schematic quality of the drama, and also in something more. The film has no place in its heart for Israel. I do not mean that it wishes Israel ill; not at all. But it cannot imagine any reason for Israel beyond the harshness of the world to the Jews. "The world has been rough with you," the oracular gourmand godfather of an underground anarchist family, a ludicrous character plummily played by Michael Lonsdale, tells Avner Kauffman, the Israeli team leader. "It is right to respond roughly to such treatment." Avner's mother, whose family was destroyed by the Nazis, preaches this about the Jewish state: "We had to take this, because no one was going to give it to us. Whatever it took, whatever it takes." Zionism, in this film, is just anti-anti-Semitism. The necessity of the Jewish state is acknowledged, but necessity is a very weak form of legitimacy. There are two kinds of Israelis in *Munich*: cruel Israelis with remorse and cruel Israelis without remorse. One of the Israeli killers recalls a midrash about God's compassion for the Egyptians drowning in the Red Sea, and keeps on killing. Another one of the Israeli killers protests that "Jews don't do wrong because our enemies do wrong. ... We're supposed to be righteous," and keeps on killing.

ALL THIS IS CONSISTENT WITH TONY Kushner's view that Zionism, as he told Ori Nir of *Haaretz* last year, was "not the right answer," and that the creation of Israel was "a mistake," and that "establishing a state means fucking people over." (If he really seeks to understand Middle Eastern terrorism, he might ponder the extent to which statelessness, too, can mean fucking people over.) When Avner's reckoning with his deeds takes him to the verge of a breakdown, he joins his wife and child in Brooklyn and refuses to return to Israel, as if decency is impossible there. No, Kushner is not an anti-Semite, nor a self-hating Jew, nor any of those other insults that burnish his notion of himself as an American Jewish dissident (he is one of those people who never speaks, but only speaks out). He is just a perfectly doctrinaire progressive. And the progressive Jewish playwright Tony Kushner's image of Israel oddly brings to mind the reactionary Jewish playwright David Mamet's image of Israel: For both of them, its essence is power.

THE ISRAELI RESPONSE TO BLACK September marked the birth of contemporary counterterrorism, and it is difficult not to see *Munich* as a parable of American policy since September 11. "Every civilization finds it necessary to negotiate compromises with its own values," Golda Meir grimly concludes early in the film, and one is immediately grateful for the un-Cheney-like sensation of a dissonance. Yet the film proclaims that terrorists and counterterrorists are alike. "When we learn to act like them, we will defeat them!" declares one of Avner's men, played by Daniel Craig, already with a license to kill. Worse, *Munich* prefers a discussion of counterterrorism to a discussion of terrorism; or it thinks that they are the same discussion. This is an opinion that only people who are not responsible for the safety of other people can hold.

LEON WIESELTIER

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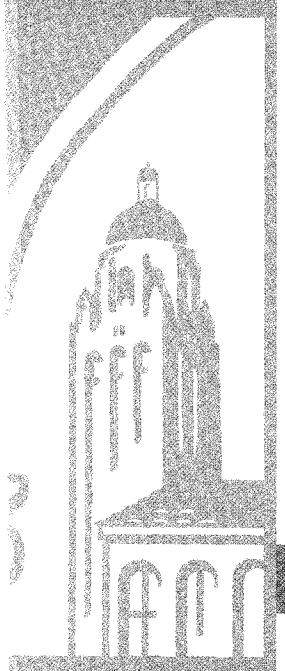

In the new issue of *Policy Review*

Iraq Is Not Vietnam

A pernicious equivalence

The various enemies the coalition faces in Iraq differ from the VC and the NVA in three critical ways. First, they have a variety of more or less well developed ideologies, but none that is remotely as appealing to the American or international public as communism and anticolonialism were. Second, although they do receive support from outside Iraq, that support pales to insignificance in comparison to the assistance the Soviet Union provided to North Vietnam and North Vietnam to the VC. Third, they have infinitely less meaningful military experience than either the VC or the NVA, and much of that experience was bad.

—Frederick W. Kagan

China's Quest for Asia

Beijing fills a vacuum

In the range of issues where U.S. and Chinese interests are opposite, China has been very adept at choosing only those issues where it is confident it can force its Southeast Asian neighbors to side with China and against the United States. When there is no downside to choosing Beijing in a given policy area and potentially severe consequences to choosing Washington, Southeast Asian countries will understandably go with Beijing. Washington must consider ways to counter that trend. Otherwise, Southeast Asia will fall into the habit of siding with China—even when there is no benefit in doing so.

—Dana Dillon and John J. Tkacik Jr.

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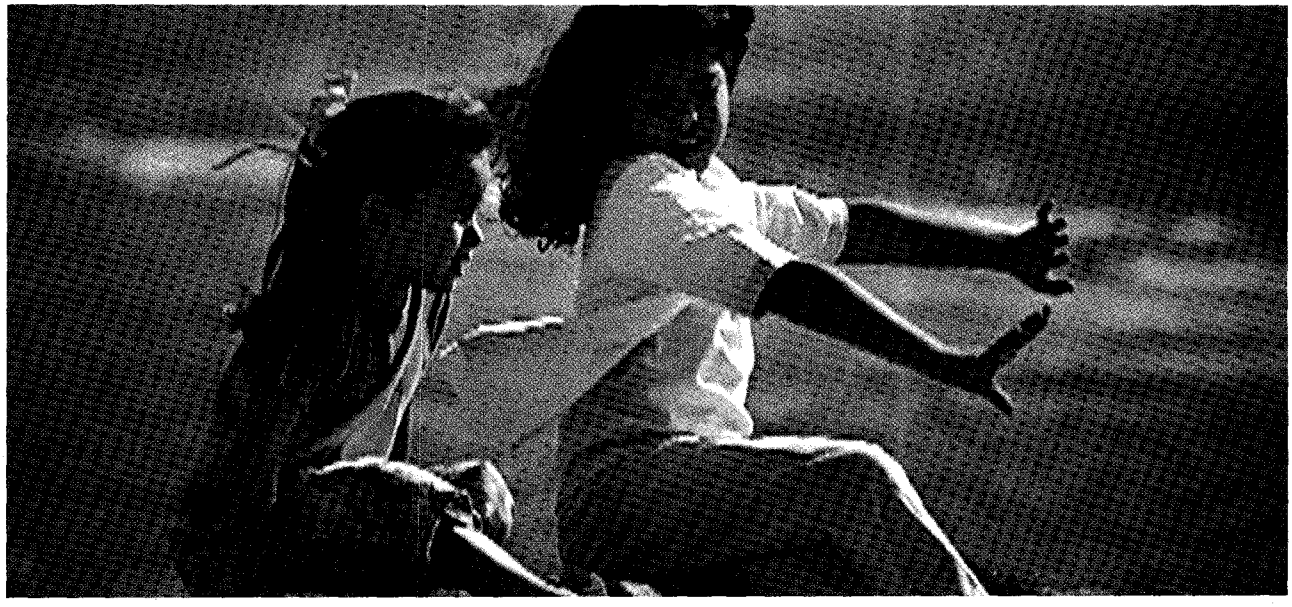

WHETHER THROUGH CALLS FOR IMMOBILITY AND STAGNATION OR CALLS FOR A LEAP INTO DARKNESS AND RECKLESS ADVENTURE."

–The Custodian of the Two Holy Mosques, King Abdullah bin Abdulaziz

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- *Enacted the Saudi Arabian Capital Markets Law, setting up the Saudi Arabian Securities and Exchange Commission to protect investor interests; and formalizing the Saudi Arabian Stock Exchange, which is today the largest emerging market*
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